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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: India

1. At its 589th to 591st meetings (see CRC/C/SR.589-591), held on 11 and 12 January 2000, the Committee on the Rights of the Child considered the initial report of India (CRC/C/28/Add.10), which was submitted on 19 March 1997, and adopted[*] the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation of the report, which followed the Committee's guidelines. The Committee notes the detailed and informative written answers to the list of issues (CRC/C/Q/IND.1). The Committee regrets that time constraints did not allow the State party's delegation to answer all of the questions posed. Nevertheless, the Committee appreciated the open nature of the dialogue that took place. The Committee appreciates the additional written answers provided by the State party.

B. Positive aspects

3. The Committee is encouraged by the existence of a broad range of constitutional and legislative provisions, and institutions (e.g. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission) for the protection of human rights and children's rights. Moreover, the Committee welcomes the frequent references to provisions of international human rights instruments by the courts, in particular the Supreme Court.

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[*] At the 615th meeting, held on 28 January 2000.

4. The Committee welcomes the growing involvement of NGOs and other grass-roots organizations in activities to enhance the protection of human rights, including through "public-interest litigation".

5. The Committee welcomes the establishment of the Department of Education and Literacy, and notes the expressed commitment of the State party to achieving universal, free and compulsory primary education.

6. The Committee notes the State party's efforts and cooperation with international bodies and agencies and non-governmental organizations to address child health and labour issues in India.

C. Factors and difficulties impeding the implementation of the Convention

7. Taking into account the fact that the number of children in India represents an enormous proportion of the world's child population, the Committee notes that the task facing India in meeting the needs of all children under its jurisdiction presents enormous challenges, not least in the economic and social fields. The Committee also notes that the high rate of population growth makes it difficult to sustain the necessary resources.

8. The Committee notes that extreme poverty, which affects a significant part of India's population, the impact of structural adjustment, and natural disasters are factors which represent serious difficulties in the fulfilment of all of the State party's obligations under the Convention.

9. Given such a diverse and multicultural society, the Committee further notes that the existence of traditional customs (i.e. the caste system), and societal attitudes (e.g. towards tribal groups) is an obstacle to efforts to combat discrimination, and compounds, inter alia, poverty, illiteracy, child labour, child sexual exploitation, and children living and/or working on the streets.

D. Principal subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

10. In the light of article 4 of the Convention, the Committee notes the unclear status of the Convention in the domestic legal framework and is concerned about the insufficient steps taken to bring existing federal, state and personal status laws into full conformity with the Convention.

11. **The Committee recommends that the State party pursue efforts to ensure full compatibility of its legislation with the Convention, taking due account of the general principles of the Convention. In this regard, the Committee encourages the State party to consider adopting a code for children.**

12. The Committee notes that insufficient efforts have been made to implement legislation and decisions of the courts and the commissions (i.e. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission), and to facilitate the work of such institutions with respect to children's rights.

13. **The Committee recommends that the State party take all necessary measures, including the allocation of the required resources (i.e. human and financial) to ensure and strengthen the effective implementation of existing legislation. The Committee further recommends the State party to provide adequate resources and to take all other necessary steps to strengthen the capacity and effectiveness of national human rights institutions, including the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission.**

Coordination

14. Noting the complexities arising from the federal structure of government with regard to the delineation of responsibilities between federal and state levels, the Committee is concerned that insufficient administrative coordination and cooperation appears to be a serious problem in the implementation of the Convention.

15. **The Committee recommends that the State party adopt a comprehensive national plan of action, based on a child rights approach, to implement the Convention. The Committee recommends that attention be given to intersectoral coordination and cooperation at and between central, state and municipal levels of government. The State party is encouraged to provide support to local authorities, including capacity-building, for implementation of the Convention.**

Independent/monitoring structures

16. The Committee is concerned at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children).

17. **It recommends that the State party develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to be adopted to implement the Convention.**

18. The Committee welcomes the State party's intention to establish a national commission for children.

19. **The Committee encourages the State party to establish a statutory, independent national commission for children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention at the federal, state and local levels. Further, such a commission should be empowered to receive and address complaints of violations of child rights, including with respect to the security forces.**

Allocation of budgetary resources (art. 4)

20. The Committee welcomes the commitment of the State party to increase budgetary allocation for education from 4 to 6 per cent of the national budget. However, the Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

21. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The Committee also recommends that the State party ensure the appropriate distribution of resources at the central, state and local levels, and where needed, within the framework of international cooperation.**

Cooperation with NGOs

22. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited.

23. **The Committee encourages the State party to consider a systematic approach to involve NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making.**

Training/dissemination of the Convention (art. 42)

24. In the light of article 42, the Committee notes the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

25. **In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach those vulnerable groups who are illiterate or without formal education. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek assistance from, inter alia, UNICEF, in this regard.**

D 2 Definition of the child

26 In the light of article 1, the Committee is concerned that the various age limits set by the law are not in accordance with the general principles and other provisions of the Convention Of particular concern to the Committee is the very low age of criminal responsibility under the Penal Code, which is set at seven years, and the possibility of trying boys between 16 and 18 years as adults The Committee is concerned that there is no minimum age for sexual consent for boys The Committee is further concerned that minimum-age standards are poorly enforced (e g the 1929 Child Marriages Restraint Act)

27 **The Committee recommends that the State party review its legislation with a view to ensuring that age limits conform to the principles and provisions of the Convention, and that it take greater efforts to enforce those minimum-age requirements.**

D 3 General principles

The right to non-discrimination (art 2)

28 In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups

29 **The Committee recommends that concerted efforts at all levels be taken to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups.**

30 In the light of article 2 of the Convention, the Committee is concerned at the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law

31 **In accordance with article 17 of the Constitution and article 2 of the Convention, the Committee recommends that the State party take steps to ensure states abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the 1993 Employment of Manual Scavengers Act. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.**

32. The Committee notes the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including female infanticide, selective abortions, low school enrolment and high drop-out rates, early and forced marriages, and religion-based personal status laws which perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

33. **In accordance with article 2 of the Convention, the Committee encourages the State party to ensure the enforcement of protective laws. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.**

Respect for the views of the child (art. 12)

34. In the light of article 12, the Committee notes that the views of the child are accorded insufficient importance, especially within the family, the school, care institutions, the courts and the juvenile justice system.

35. **The Committee encourages the State party to promote and facilitate within the family, the school, care institutions, the courts and the juvenile justice system respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials in assisting children to make and express their informed decisions and to have their views taken into consideration.**

D.4. Civil rights and freedoms

Name and nationality (art. 7)

36. Given that lack of timely birth registration can have negative consequences on the full enjoyment of fundamental rights and freedoms by children, the Committee is concerned, in the light of article 7 of the Convention, that the births of a very significant number of children in India are not registered.

37. **The Committee recommends that the State party make greater efforts to ensure the timely registration of all births, in accordance with article 7 of the Convention, and take training and awareness-raising measures as regards registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices, and registration units in schools and health facilities.**

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art 37 (a))

38 With respect to article 37 (a) of the Convention, the Committee is concerned by numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials

39 **The Committee recommends that the registration of each child taken to a police station be mandatory, including time, date and reason for detention, and that such detention be subject to frequent mandatory review by a magistrate. The Committee encourages the State party to amend sections 53 and 54 of the Code of Criminal Procedure so that medical examination, including age verification, is mandatory at the time of detention and at regular intervals.**

40 **The Committee recommends that the State party implement the recommendations made by the National Police Commission in 1980 and the Parliamentary Committee in 1996, which, inter alia, call for a mandatory judicial inquiry in cases of alleged rape, death or injury of persons in police custody; the establishment of investigative bodies; and payment of compensation to people who have been victims of custodial abuse. Amendment to the Juvenile Justice Act is recommended to provide for complaints and prosecution mechanisms for cases of custodial abuse of children. In addition, the Committee recommends the amendment of section 197 of the Code of Criminal Procedure, which requires government approval for prosecution of law enforcement officials when complaints of custodial abuse or illegal detention are alleged; and section 43 of the Police Act, so that police cannot claim immunity for actions while executing a warrant in cases of illegal detention or custodial abuse.**

41 **The Committee encourages the State party to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it signed in 1997.**

D 5 Family environment and alternative care

Adoption (art 21)

42 In the light of articles 21 and 25 of the Convention, the Committee is concerned at the absence of uniform adoption law in India and effective measures to monitor and follow up placement within the State party and abroad

43 **The Committee recommends the State party to review the legislative framework of domestic and intercountry adoption. The Committee recommends that the State party become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Violence/abuse/neglect/maltreatment (art. 19)

44. In the light of articles 19 and 39 of the Convention, the Committee is concerned at the widespread ill-treatment of children in India, not only in schools and care institutions but also within the family.

45. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment.**

D.6. Basic health and welfare

Children with disabilities (art. 23)

46. Noting the 1995 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, the Committee nonetheless is concerned at the very poor level of and access to care for children with disabilities, especially those living in rural areas, and the lack of assistance provided to persons responsible for their care. In the light of article 23 of the Convention, the Committee emphasizes the need to ensure the implementation of policies and programmes to guarantee the rights of mentally and physically disabled children and to facilitate their full inclusion in society.

47. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee recommends that the State party increase the capacity of institutions for the rehabilitation of children with disabilities and improve access to services for such children living in rural areas. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children. The Committee encourages the State party to undertake greater efforts to make available the necessary resources and to seek assistance from, inter alia, UNICEF, WHO and relevant NGOs.**

Right to health and health services (art. 24)

48. In the light of article 24 of the Convention, the Committee notes that the State party has already focused and placed priority on the main health issues by establishing several national programmes. Nevertheless, the Committee is concerned at high maternal mortality, and very high levels of low birth weight and malnutrition among children, including micronutrient

deficiencies, linked to the lack of access to prenatal care and, more generally, limited access to quality public health care facilities, insufficient numbers of qualified health workers, poor health education, inadequate access to safe drinking water and poor environmental sanitation. This situation is exacerbated by the extreme disparities faced by women and girls, especially in rural areas.

49. **The Committee recommends that the State party take all necessary steps to adapt, expand and implement the Integrated Management of Child Illness strategy, and to pay particular attention to the most vulnerable groups of the population. The Committee also recommends that the State party undertake studies to determine the socio-cultural factors which lead to practices such as female infanticide and selective abortions, and to develop strategies to address them. The Committee recommends continued allocation of resources to the poorest sections of society and continued cooperation with and technical assistance from, inter alia, WHO, UNICEF, the World Food Programme and civil society.**

50. The Committee is concerned that the health of adolescents, particularly girls, is neglected, given, for instance, a very high percentage of early marriages, which can have a negative impact on their health. Adolescent suicides, especially among girls, and HIV/AIDS affected children are serious concerns for the Committee.

51. **The Committee recommends that the State party strengthen the existing National Reproductive and Child Health programme, targeting the most vulnerable groups of the population. The Committee recommends that the State party combat discrimination against HIV/AIDS affected persons by strengthening awareness-raising and sensitization programmes for the public, and particularly health professionals. The Committee recommends continued allocation of resources to the poorest sections of society and continued cooperation with and technical assistance from, inter alia, WHO, UNICEF, UNAIDS and civil society.**

Right to an adequate standard of living (art. 27)

52. The Committee is concerned at the high percentage of children living in inadequate housing, including slums, and their inadequate nutrition and access to safe drinking water and sanitation. The Committee is concerned at the negative impact on families and the rights of children of structural adjustment projects.

53. **In accordance with article 27 of the Convention, the Committee recommends that the State party take appropriate measures to give effect to its commitments made at Habitat II in 1996 regarding children's access to housing. In the light of Commission on Human Rights resolution 1993/77 on forced evictions, the Committee encourages the State party to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.**

54. The Committee is concerned at the large and increasing number of children living and/or working on the streets, who are among the most marginalized groups of children in India.

55. **The Committee recommends that the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; education, including vocational and life-skills training; and access to legal aid. The Committee recommends that the State party cooperate and coordinate its efforts with civil society in this regard.**

D.7. Education, leisure and cultural activities

Right and aims of education (arts. 28 and 29)

56. Welcoming the 83rd Constitutional Amendment Bill concerning the fundamental right to education, the Committee, however, expresses its concern at the prevailing poor situation in the State party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between different states, rural and urban areas, boys and girls, the affluent and poor, and children belonging to scheduled castes and tribes. The Committee emphasizes the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour.

57. **The Committee encourages the State party to enact the 83rd Constitutional Amendment Bill. In line with the 1993 and 1996 Supreme Court decisions (Unni Krishnan; and M.C. Mehta vs. State of Tamil Nadu and Others, respectively), the Committee recommends that the State party implement measures designed to comply with article 45 of the Constitution, which mandates free and compulsory education for all children up to 14.**

58. **The Committee recommends that the State party undertake studies on, and develop measures to address, the prevailing disparities in access to education; to improve the quality of teacher training programmes and the school environment; to ensure that the quality of non-formal education schemes is monitored and guaranteed and that working and other children who participate in such schemes are integrated into mainstream education. The Committee recommends that the State party ensure and facilitate opportunities for the most vulnerable groups of children to proceed to secondary education.**

59. **The Committee recommends that the State party take due regard of the aims of education laid down in article 29 of the Convention, including tolerance and equality between the sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous groups. The Committee recommends that the State party consider introducing human rights issues, including the Convention, into the school curricula.**

60 **The Committee encourages the State party to make available the necessary resources and to seek assistance from inter alia UNICEF, UNESCO and relevant NGOs.**

D 8 Special measures of protection

Unaccompanied, asylum-seeking and refugee children (art 22)

61 Welcoming administrative policies which have generally been in line with international refugee law principles, the Committee is concerned that in the absence of legislation there remains no guarantee that children asylum-seekers and refugees will be ensured the protection and assistance provided by the Convention The Committee is concerned that there exists the potential for children born of refugee parents to become stateless, that there is no adequate legal mechanism to deal with family reunification, and that although refugee children attend school on a de facto basis, there is no legislation which entitles these children to education

62 **The Committee recommends that the State party adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the field of physical safety, health, education and social welfare, and to facilitate family reunification. In order to promote the protection of refugee children, the Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.**

Children and armed conflict, and their recovery (arts 38 and 39)

63 The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, have seriously affected children, especially their right to life, survival and development (art 6 of the Convention) In the light of articles 38 and 39, the Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts Moreover, it is concerned at reports of involvement of the security forces in disappearances of children in these conflict areas

64 **The Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children in armed conflict. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims. The Committee recommends that clause 19 of the Protection of Human Rights Act be repealed to allow inquiries into alleged abuses committed by members of the security forces to be conducted by the National Commission on Human Rights. In line with the recommendations of the Human Rights Committee (CCPR/C/79/Add.81), the Committee recommends that the requirement of governmental permission for criminal prosecutions or civil proceedings against members of the security forces be abolished.**

Economic exploitation (art. 32)

65. The Committee notes that India was the first country to sign a Memorandum of Understanding with the ILO in 1992 to implement the ILO-IPEC programme. The Committee further notes the amendments to schedules A and B of the 1986 Child Labour (Prohibition and Regulation) Act. Nevertheless, the Committee remains concerned at the large numbers of children involved in child labour, including bonded labour, especially in the informal sector, household enterprises, as domestic servants, and in agriculture, many of whom are working in hazardous conditions. The Committee is concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

66. **The Committee encourages the State party to withdraw its declaration with respect to article 32 of the Convention, as it is unnecessary in the light of the efforts the State party is making to address child labour. The Committee recommends that the State party ensure the full implementation of the 1986 Child Labour (Prohibition and Regulation) Act, the 1976 Bonded Labour (System Abolition) Act and the 1993 Employment of Manual Scavengers Act.**

67. **The Committee recommends that the 1986 Child Labour Act be amended so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children; and coverage is expanded to include agriculture and other informal sectors. The Factories Act should be amended to cover all factories or workshops employing child labour. The Beedi Act should be amended so that exemptions for household-based production are eliminated. Employers should be required to have and produce on demand proof of age of all children working on their premises.**

68. **The Committee recommends that the State party ensure that laws provide criminal and civil remedies, especially in the light of decisions of the Supreme Court in relation to compensation funds for child labourers (M.C. Mehta vs. The State of Tamil Nadu and M.C. Mehta vs. Union of India). The Committee recommends that court procedures be simplified, so that responses are appropriate, timely and child-friendly; and to vigorously pursue enforcement of minimum-age standards.**

69. **The Committee recommends that the State party encourage states and districts to establish and oversee child labour vigilance committees, and ensure that a sufficient number of labour inspectors are adequately resourced to carry out their work effectively. A national mechanism to monitor the implementation of standards at state and local levels should be established and empowered to receive and address complaints of violations, and to file First Information Reports.**

70. **The Committee recommends that the State party undertake a national study on the nature and extent of child labour, and that disaggregated data, including violations, be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee further recommends that the State party continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and**

children, of work hazards; and to involve and train employers', workers' and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals.

71. **The Committee calls upon the State party to ensure that the competent authorities cooperate and coordinate their activities, including with respect to education and rehabilitation programmes; and that present cooperation between the State party and relevant United Nations agencies, such as ILO and UNICEF, and NGOs be expanded. The Committee recommends that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

Drug abuse (art. 33)

72. In the light of article 33, the Committee is concerned about the increasing use and traffic in illicit drugs, especially in the large urban centres of Mumbai, New Delhi, Bangalore and Calcutta, and the growing use of tobacco among persons under 18 years, especially girls.

73. **The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of the United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use, including tobacco use, and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee recommends cooperation with and assistance from WHO and UNICEF. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse.**

Sexual exploitation and sexual abuse (art. 34)

74. The Committee notes the Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. However, in view of the scale of the problem, the Committee is concerned about the sexual abuse and exploitation of children especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict, such as Jammu and Kashmir, and the north-eastern states; and trafficking and commercial exploitation, especially girls from neighbouring countries, particularly Nepal. It is also concerned about the absence of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.

75. **The Committee recommends that the State party ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that Devadasi, or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The Committee**

recommends that the State party ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.

76. **The Committee recommends that a national mechanism to monitor implementation should be established, as well as complaints procedures and helplines. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation.**

77. **The Committee recommends that the State party undertake a national study on the nature and extent of sexual abuse and sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party continue its efforts to carry out extensive campaigns to combat harmful traditional practices, such as child marriages and ritual prostitution; and inform, sensitize and mobilize the general public on the child's right to physical and mental integrity, and safety from sexual exploitation.**

78. **The Committee recommends that bilateral and regional cooperation be reinforced, involving cooperation with border police forces from neighbouring countries, especially along the eastern frontier areas in the states of West Bengal, Orissa and Andhra Pradesh. The State party should ensure that the competent authorities cooperate and coordinate their activities; and that present cooperation between the State party, and, inter alia, UNICEF, be expanded.**

Administration of juvenile justice (arts. 37, 40 and 39)

79. The Committee is concerned over the administration of juvenile justice in India and its incompatibility with articles 37, 40 and 39 of the Convention and other relevant international standards. The Committee is also concerned at the very young age of criminal responsibility - 7 years - and the possibility of trying boys between 16 and 18 years of age as adults. Noting that the death penalty is de facto not applied to persons under 18, the Committee is very concerned that de jure, this possibility exists. The Committee is further concerned at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention, other existing international standards and the 1986 Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.

80. **The Committee recommends that the State party review its laws in the administration of juvenile justice to ensure that they are in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile**

Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

81. **The Committee recommends that the State party abolish by law the imposition of the death penalty on persons under 18. The Committee also recommends that the State party consider raising the age of criminal responsibility and ensure that persons under 18 years are not tried as adults. In accordance with the principle of non-discrimination contained in article 2 of the Convention, the Committee recommends article 2 (h) of the 1986 Juvenile Justice Act be amended to ensure that boys under 18 years are covered by the definition of juvenile, as girls already are. The Committee recommends that the 1986 Juvenile Justice Act be fully enforced and that the judiciary and lawyers be trained and made aware of it. The Committee further recommends that measures be taken to reduce overcrowding, to release those who cannot be given a speedy trial and to improve prison facilities as quickly as possible. The Committee recommends that the State party ensure regular, frequent and independent monitoring of institutions for juvenile offenders.**

82. **The Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.**

D.9. Dissemination of the report

83. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Sierra Leone

1. The Committee received the initial report of Sierra Leone on 10 April 1996 (CRC/C/3/Add.43) and considered the report at its 593rd to 594th meetings (see CRC/C/SR.593-594), held on 13 January 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and takes note of the written answers to the list of issues (CRC/C/Q/SIR/1) submitted by the State party. The Committee notes with appreciation the delegation's efforts to provide all the information requested and takes note that the State party included in its delegation a representative of Sierra Leonean NGOs.

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* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee notes the State party's efforts to fulfil its reporting obligations under the Convention in spite of the internal armed conflict that has continued since 1991. The Committee notes with satisfaction the signing on 7 July 1999 of a peace agreement in Lomé and the end of hostilities within the State party. The Committee is especially encouraged by the inclusion in the Lomé peace agreement of references to children's rights and to the Convention on the Rights of the Child.

4. Further, the Committee is encouraged by the State party's efforts to seek assistance from the international community and to establish a truth and reconciliation commission which can contribute to the establishment of a lasting peace in an environment of respect for human rights. The Committee notes the State party's efforts to develop a child rights bill which would incorporate the provisions of the Convention in domestic law. The Committee further notes the State party's excellent cooperation with national NGOs and progress in disseminating the provisions and principles of the Convention.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee recognizes the severe social and economic difficulties imposed both upon the State party and upon the general population by the many years of armed conflict, including a period during which regional sanctions were imposed. The Committee recognizes, further, that the repeated changes of government within the State party, including through military action, have made it difficult to develop and implement a concerted policy of implementation of the Convention.

D. Principal subjects of concern, suggestions and recommendations

D.1. General measures of implementation
(arts. 4, 42 and 44, para. 6 of the Convention)

Legislation

6. The Committee is concerned that some aspects of existing legislation, and some aspects of customary law, are not consistent with the principles and provisions of the Convention. The Committee is concerned that the Convention on the Rights of the Child is not applicable in the courts.

7. **The Committee recommends that the State party undertake a review of existing legislation and of customary law practices and, where appropriate, adopt or amend legislation so as to ensure compatibility with the principles and provisions of the Convention. In addition, the Committee urges the State party to consider introducing legislation which would allow the Convention to be directly applicable in domestic courts.**

Coordination/independent monitoring structures

8. The Committee recognizes the State party's efforts to establish mechanisms through which coordination can be conducted. The Committee remains concerned, however, that these mechanisms are not themselves coordinated and that there is a lack of clear responsibility for the formulation of policy, lying with a single coordinating body. The Committee is also concerned at the absence of a clear monitoring structure and the lack of precise indicators according to which monitoring of the Convention's implementation can be conducted.

9. While the Committee is encouraged by the State party's efforts to develop projects focusing on children, the Committee emphasizes the importance of developing an overall strategy for the effective protection of children's rights, and that individual projects should each form a part of this larger strategy. Noting that the Ministry of Social Welfare, Gender and Children's Affairs has principal responsibility for child protection issues, the Committee is concerned at the extreme lack of funding and other resources available to this Ministry.

10. **In this regard, the Committee urges the State party to secure adequate funding for the Ministry of Social Welfare, Gender and Children's Affairs to ensure the effective implementation of its child protection mandate. The Committee recommends, in addition, that the State party expand the mandate of this Ministry to include coordination of the Convention's implementation, and provide the Ministry with the necessary authority and resources to develop a cross-ministerial strategy for the protection of children's rights.**

11. **The Committee further recommends that the State party consider the establishment of an independent body to monitor the Convention's implementation, and that the conclusions of such monitoring be used to improve the development and implementation of policies affecting children.**

Decentralization

12. The Committee is concerned that, in the past, the delivery of services and the overall implementation of children's rights have been severely hampered by an over-centralization of decision-making and policy implementation authority in the capital city.

13. **The Committee recommends that the State party strengthen ongoing efforts at decentralization of authority to the districts and local levels with regard to the implementation of the Convention**

The maximum extent of available resources: article 4

14. Recognizing that the effective implementation of the Convention relies upon an adequate and consistent allocation of budgetary resources, the Committee expresses concern at the lack of clarity in the current definition of resource allocation in favour of children.

15. **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee urges the State party to establish a clear policy on the allocation of resources in favour of children, including those resources allocated by international agencies or bilateral assistance, and to establish how these resources will be used in the medium-term future.**

International cooperation: article 4

16. Deeply concerned at the overall situation of children in the State party and the severe damage caused to national infrastructure and the economy by the years of conflict, the Committee is concerned at the State party's limited resources with which to address such a wide array of problems.

17. **The Committee strongly recommends that the State party seek extensive international cooperation towards the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.**

Cooperation with NGOs

18. The Committee recognizes the very significant cooperation developed between the State party and national NGOs in favour of children, but is concerned that a disproportionate level of resources are used through international NGOs, to the detriment of national organizations and structures.

19. **The Committee urges the State party to maintain the important progress made so far and to continue to work closely with national NGOs. The Committee further urges the State party to strengthen national NGOs by encouraging international partners to favour these national structures in their funding and implementation programmes.**

Dissemination of the Convention

20. Recogizing the particular importance of an understanding of children's rights in post-conflict reconstruction in the State party, and particularly in contexts where some customary law or traditional practices may be harmful for some children, the Committee acknowledges the progress made by the State party in disseminating the principles and provisions of the Convention. The Committee remains concerned, however, that dissemination and understanding of the Convention has not been followed by corresponding implementation in the everyday activities or work of civil servants and the population at large.

21. **In the light of article 42, the Committee recommends that the State party make additional efforts in the dissemination of the Convention, provide training on its provisions for professionals, inter-alia law officials, teachers and health workers, and provide teaching on its provisions to the adult population. The State party should ensure that such training focuses on, and contributes to, practical implementation of the Convention's**

provisions and principles. In addition, the Committee recommends that the State party make every effort to develop a culture of knowledge and respect for human rights in all sectors of the population.

D.2. Definition of the child (art. 1)

22. The Committee is concerned that the definition of a child is not consistent in domestic legislation, noting that under the Sierra Leone Citizenship Act of 1973 "a person shall be of full age if he has attained the age of 21 years". Similarly, a "child" is defined in the Education Act as "a person under the age of 21 years" (State party report, para. 25). However, the Committee notes that under the Prevention of Cruelty to Children Act a child is defined as a person under the age of 16.

23. **The Committee recommends that the State party conduct a review of domestic legislation so as to ensure a consistent definition of a child and to adopt 18 years or above as the age of majority.**

Minimum age of marriage

24. The Committee is very concerned at the practice of arranging marriages - under customary law - for very young girls, in particular against the free will of the child. The Committee notes that such practices violate the provisions and principles of the Convention on the Rights of the Child.

25. **The Committee recommends that the State party undertake child rights promotional activities in communities which apply such customary law practices, explaining the rights of children in this regard with a view to ensuring that a minimum age for marriage is established, that it is the same for both boys and girls, and that girls are not forced into marriage.**

Minimum age of recruitment/conscription

26. The Committee is deeply concerned at the massive participation of children in armed forces in the State party, either as combatants or in other roles. The Committee also notes that no minimum age is established in national legislation for voluntary recruitment - when the consent of a specified adult party is given.

27. **The Committee welcomes the State party's announcement of its intention to pass legislation raising the minimum age of recruitment to 18, and urges the State party to move quickly towards this goal and to ensure that the new legislation is enforced.**

The age of criminal responsibility

28. The Committee is concerned that the minimum age of criminal responsibility - set at 10 years by domestic legislation - is very low.

29. **The Committee recommends that the State party review relevant legislation and raise the minimum age of criminal responsibility.**

D.3. General principles
(arts. 2, 3, 6 and 12 of the Convention)

Principle of non-discrimination: article 2

Prohibition of discrimination

30. The Committee welcomes the inclusion in the State party Constitution of a provision prohibiting discrimination, but remains concerned that some of the criteria listed as prohibited grounds of discrimination under the Convention on the Rights of the Child are absent from the State party Constitution.

31. **The Committee recommends that the State party review the Constitution and other relevant national legal instruments, enlarging the list of prohibited grounds of discrimination to include "disability, birth, other [than political] opinion", as provided for in article 2 of the Convention. The Committee further urges the State party to implement effective measures to prevent discrimination and to address those cases which continue to occur.**

Discriminatory practices

32. Furthermore, the Committee is concerned at the extent to which ethnic and gender discrimination are witnessed in the State party, in spite of domestic legislation prohibiting such discrimination.

33. **Recognizing the many different ways in which direct or indirect discrimination affects girls, and that discrimination against women, involving such issues as inheritance rights, can have a major impact on their capacity to provide for the needs of their children, the Committee urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia by reviewing domestic legislation so as to ensure that discriminatory provisions are removed and that adequate protection from discrimination is provided.**

34. While the Committee is encouraged by the exclusion of girls from the application by domestic courts of corporal punishment sentences, the Committee nevertheless considers this provision to be discriminatory between boys and girls.

35. **The Committee urges the State party to extend the prohibition of State sanctioned corporal punishment to boys.**

Principle of the best interests of the child: article 3

36. The Committee is concerned at indications that the principle of the best interests of the child has not been systematically taken into consideration in administrative and legal policy and practice.

37. **The Committee recommends that the State party consider ways through which the principle of the best interests of the child can be promoted and protected.**

The right to have views heard and given due weight: article 12

38. The Committee emphasizes the importance for the State party of promoting respect for the views of the child and encouraging child participation.

39. **The Committee encourages the State party to promote public awareness of the participatory rights of children and to take effective measures to ensure respect for the views of the child within schools, families, social institutions, and the care and judicial systems.**

The principle of the survival and development of the child: article 6

40. The Committee is concerned that efforts to respect the principle of the survival and development of the child have focused primarily on children living in cities and the main towns.

41. **The Committee urges the State party to make every effort to ensure that policy, programmes and activities focus on respecting the principle of the survival and development of all children.**

D.4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a))

The right to birth registration: article 7

42. The Committee is concerned that the absence of systematic birth registration in the State party, thereby preventing an accurate statement of the identity or age of a child, can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. The Committee is also concerned at the arbitrary manner, in the absence of birth registration records, in which age and identity are frequently established.

43. **In the light of article 7 of the Convention, the Committee recommends that the State party establish as quickly as is possible a practice of systematic birth registration for all children born within the national territory. The Committee further urges the State party to proceed with the registration of those children who have not thus far been registered.**

The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

44. The Committee expresses its grave concern over the reported massive occurrence of torture and other cruel, inhuman or degrading treatment or punishment, including amputations and mutilations, committed against children.

45. **Recognizing that the majority of these acts were committed in the context of the armed conflict, and with a with to achieving reconciliation and prevention, the Committee urges the State party to use the truth and reconciliation Commission process to raise discussion on such acts. The Committee, in addition, urges the State party to undertake measures which will ensure that such acts will, in the future, receive an appropriate response through the judicial process.**

Corporal punishment

46. The Committee is concerned that corporal punishment is widely practised in the State party and that, in particular, it is used in the sentencing of boys under the age of 17 by domestic courts.

47. **In the light of articles 19, 28 (2) and 37 (a) of the Convention, the Committee urges the State party to take legislative and educative measures to prohibit the use of corporal punishment by the courts, all public officials and in schools, and to consider the prohibition of its use in the family.**

D.5. Family environment and alternative care
(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39)

Parental guidance and responsibilities

48. The Committee is concerned that parents and families, particularly given the specific nature of the recent conflict, are in need of support and guidance with regard to their responsibilities for children under their care. The Committee is concerned, further, at reports indicating that some children, such as those who were forced to participate in hostilities, are not always accepted back into their families and communities.

49. **The Committee recommends that the State party make every effort to strengthen family ties and the capacity of parents to fulfil their role in contributing to the protection of children's rights and providing, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. The Committee recommends, inter alia, the strengthening of existing mechanisms which provide guidance to parents and families, and that equal emphasis, in such efforts, be placed on the roles of women and of men.**

Children deprived of a family environment

50. The Committee is deeply concerned at the large numbers of children who have been deprived of a family environment through the death of, or separation from, their parents or other family, and at reports of the difficulties and slow progress in tracing separated families and children. The Committee is concerned, further, that children deprived of their family environment may increasingly travel to the main towns, where they may live on the streets and be particularly vulnerable to exploitation and abuse.

51. **The Committee urges the State party to make every effort to strengthen family tracing programmes and also to plan for the effective provision of alternative care for separated children, with particular focus on unaccompanied children living in the streets of main towns and making use of the extended family, foster care and other alternative family structures.**

Adoption (art. 11)

52. The Committee notes the introduction by the State party of the 1989 Adoption Act, but is nevertheless concerned that child nationals of the State party may remain vulnerable to problems of illegal adoption, including inter-country adoption.

53. **The Committee recommends that the State party ratify the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption with a view to providing additional legal protection.**

D.6. Basic health and welfare
(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3)

Health services

54. Taking note of the very high child and maternal mortality rates, rates of malnutrition and various preventable diseases and the probability of widespread psychological trauma, the Committee is concerned at the very low coverage of basic health services across the country and at the absence of mental health facilities.

55. **The Committee urges the State party to make every effort to rebuild national health infrastructures and to ensure the access of the whole population to basic health services, including in rural areas. The Committee recommends, in addition, the establishment of a comprehensive mental health service. Further, the Committee urges the State party to seek international cooperation in implementing this recommendation.**

Children with disabilities: article 23

56. Recognizing that children with disabilities may be especially disadvantaged by the conditions inherent in armed conflicts, the Committee is concerned at the limited information provided by the State party on the situation of children with disabilities. Noting the existence of some facilities specific to children with disabilities, the Committee nevertheless emphasizes that respect for the rights of children with disabilities requires an integrated approach to the overall situation of such children.

57. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96), the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), and with particular reference to article 23 of the Convention, the Committee recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities and the needs of children with disabilities with regard to rehabilitative and other forms of care, and make every effort to improve the facilities and services available. The Committee supports the State party in its efforts to include children with disabilities in the mainstream education process and recommends that these efforts be pursued and that every effort be made to address the concerns raised in the State party's assessment.**

58. **The Committee further encourages the State party to make every effort to benefit from international cooperation in favour of children with disabilities, in accordance with to article 23 paragraph 4 of the Convention.**

HIV/AIDS

59. The Committee is deeply concerned that the incidence of HIV/AIDS in the State party is likely to have risen significantly during the period of armed conflict and population displacement.

60. **The Committee recommends that the State party urgently develop mechanisms to effectively monitor the incidence and spread of HIV/AIDS. The Committee further recommends that the State party rapidly develop and implement a strategy for prevention, including through the use of information campaigns, and for care of people who are victims of HIV/AIDS, including for alternative care of their children. In this regard, the Committee urges the State party to seek assistance from the World Health Organization.**

Traditional practices prejudicial to the health of children: article 24.3

61. The Committee is very concerned at the widespread practice of female genital mutilation.

62. **In the light of article 24.3 of the Convention, the Committee urges the State party to pass legislation prohibiting practices of female genital mutilation, to ensure that such legislation is enforced in practice and to undertake preventive information campaigns. The Committee further recommends that the State party benefit from the experience of other States in this area and consider, inter alia, adopting alternative practices of a purely ceremonial nature, which do not involve any physical acts.**

Psychological care

63. The Committee is concerned that the State party has insufficient capacity to provide psycho-social assistance to the many children who have suffered forms of psychological trauma.

64. **The Committee urges the State party to make every effort to strengthen available psycho-social assistance and to recruit more mental health workers. The Committee recommends, in addition, that the State party seek technical assistance in this domain.**

D.7. Education, leisure and cultural activities
(arts. 28, 29, 31)

The right to education: articles 28 and 29

65. The Committee is deeply concerned over the lack of implementation of the right to education of children in the State party. The Committee is concerned particularly at the drastic fall in the number of primary schools, with the remaining schools concentrated primarily in the main towns to the exclusion of the rural population. The Committee is further concerned at information indicating that 70 per cent of primary schoolteachers are not qualified and at the very high drop-out rates of children from primary school education. In addition, while recognizing the State party's efforts to provide free education to children in the first three years of primary school, the Committee notes that State party assistance to pupils and parents only covers school fees and does not provide for other education related costs. Children in other classes must carry the entire burden of the cost of their education.

66. **Recognizing the efforts made by the State party to establish schools in displaced persons camps and to raise the levels of enrolment among both girls and boys, the Committee urges the State party to rapidly re-open primary schools in all regions of the country, including in rural areas, so as to ensure that every child has access to primary education. With a view to assuring a better quality of education, the Committee further urges the State party to encourage trained teachers who have left the State party to return, to strengthen teacher training courses so as to increase the number and standard of teachers, and to invest sufficient resources in the education system to provide adequate school facilities, materials and salaries for teachers. The Committee urges the State party to ensure that education is entirely free for all students, including through the provision of assistance to purchase uniforms and school books. The Committee also recommends that the State party seek assistance from international agencies, such as UNICEF.**

67. **The Committee encourages the State party in its efforts to integrate peace education, civil education and human rights into its teacher training programmes and school curricula, and recommends that the State party continue this process, expanding it to include child rights, and ensure that every child receives such education.**

68. The Committee expresses its particular concern at the very high rate of illiteracy among women and the extremely low levels of primary school enrolment and graduation among girls.

69. **The Committee recommends that the State party make every effort to increase the enrolment and graduation rates of girls in primary education, inter alia through the promotion of children's rights in rural communities and through the enforcement of compulsory primary education requirements.**

D.8. Special protection measures
(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

Armed conflict

70. The Committee expresses its extremely deep consternation at the very high numbers of children who have been forcibly recruited into armed forces, including children as young as five years old, and who have often been forced to commit atrocities against other people, including other children and members of their community. The Committee expresses its great concern at the horrifying amputation of hands, arms and legs, and at the many other atrocities and acts of violence and cruelty committed by armed persons against children, including, in some cases, against very young children.

71. The Committee is deeply saddened by the direct effects of the armed conflict on all child victims, including child combatants, and is concerned at the tragic loss of life and severe psychological trauma inflicted upon them. The Committee is also concerned by the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

72. The Committee is further concerned at the indirect effects of the armed conflict - the destruction of educational and health infrastructures, of water collection, purification and distribution systems, of the national economy, of agricultural production, of communication infrastructure - all of which have contributed to a massive and continuing violation for a majority of children in the State party of many of the rights provided for in the Convention.

73. **The Committee urges the State party to take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society. The Committee further recommends that the State party establish and strictly enforce legislation prohibiting the future recruitment, by any armed force or group, of children under the age of 18, in accordance with the African Charter on the Rights and Welfare of the Child.**

74. **The Committee also urges the State party to take all necessary measures in cooperation with national and international NGOs and United Nations bodies, such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation and reintegration.**

75. **The Committee further urges the State party to make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.**

Unaccompanied, asylum seeking and refugee children: article 22

76. The Committee is concerned at the situation of the continuing numbers of unaccompanied children in the State party.

77. **The Committee urges the State party to make every effort to support these children through, inter alia, family tracing activities and assistance in gaining access to health services, schools or vocational training activities, as appropriate.**

78. The Committee is deeply concerned at the situation of the many children, citizens of the State party, who are currently refugees.

79. **The Committee urges the State party to make every effort to create conditions conducive to the return of child refugees and their families, including through international cooperation, inter alia, that of the Office of the United Nations High Commissioner for Refugees.**

Economic exploitation: article 32

80. The Committee is concerned by the increasing incidence of child labour, in particular on the streets of the main towns, and anticipates that, in the current post-conflict situation, the number of children engaged in such labour is likely to increase. The Committee is especially concerned at the situation of children begging in cities and major towns.

81. **The Committee urges the State party to make urgent efforts to monitor and address the use of children as labour, including through action to address the causes of child labour. The Committee urges the State party to seek international cooperation, including, for example, through the International Labour Organization's International Proramme for the Eradication of Child Labour (IPEC).**

82. **The Committee recommends that the State party consider ratifying International Labour Organization Conventions No. 138, concerning the Minimum Age for Admission to Employment (1973), and No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

Drug abuse

83. The Committee is concerned at the recent and rapid increase in the abuse of drugs by children, particularly among child former combatants.

84. **Recognizing the State party's efforts in Freetown to combat drug use, the Committee urges the State party to establish similar activities in other towns and in internally displaced persons camps. The Committee recommends, in addition, that the State party seek international cooperation in this domain, including for the provision of psycho-social assistance for addicts.**

Sexual exploitation and abuse

85. The Committee is concerned that provisions in national domestic legislation providing protection to children from sexual exploitation and abuse only offer such protection to children up to the age of 14.

86. **The Committee recommends that the State party review domestic legislation in order to raise the age levels of such protection, and to ensure that boys benefit from the same protection as girls.**

87. The Committee expresses its deep concern with regard to the many incidents of sexual exploitation and abuse of children, particularly in the context of the conscription or abduction of children by armed persons and in the context of attacks on civilian populations by armed persons, and particularly with regard to girls. The Committee is also concerned at reports of commercial sexual exploitation and of widespread sexual abuse of girls within the family, within internally displaced person camps and within communities.

88. **The Committee urges the State party to include studies of incidents of sexual abuse in the context of the armed conflict among the issues to be discussed by the truth and reconciliation commission. The Committee recommends that the State party initiate information campaigns alerting the public to the risks of sexual abuse within the family and within communities. In addition, the Committee urges the State party to provide the necessary psychological and material assistance to the victims of such exploitation and abuse and to assure their protection from any possible social stigmatization. The Committee further encourages the State party, in its efforts to address practices of commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.**

89. **With regard to sexual abuse in the family and communities, the Committee recommends that the State party consider the establishment of mechanisms through which incidents can be identified, reported and addressed, inter alia through medical professionals, law enforcement and judicial officials.**

Administration of juvenile justice: articles 37, 40 and 39

90. The Committee is concerned at the absence of precise data on the numbers and situation of children in detention or serving prison sentences in the State party. The Committee is also concerned at the very poor conditions in prisons and detention facilities in the State party. The Committee is further concerned that domestic legislation requires only that minors in detention be separated from adults as far as circumstances permit.

91. **While recognizing the limited resources available to the State party, the Committee recommends, nevertheless, that every effort be made to gather information on the numbers and legal situation of children currently in detention in the State party. The Committee urges the State party to apply domestic legislation requirements that imprisonment be a measure of last resort, particularly given the prevailing conditions in national detention facilities. The Committee recommends that the State party strengthen and make use of alternatives to imprisonment.**

92. **In the light of articles 37 and 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party harmonize domestic legislation, as a whole, with relevant international legal instruments and seek to apply the international standards provided for in these instruments.**

93. **The Committee further recommends the training of personnel involved with the juvenile justice process in child psychology and development and relevant human rights law. In this regard, the Committee further suggests that the State party consider seeking additional technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.**

Dissemination of the report, written answers and concluding observations

94. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Costa Rica

1. The Committee considered the second periodic report of Costa Rica (CRC/C/65/Add.7) at its 595th and 596th meetings (see CRC/C/SR. 595-596), held on 14 January 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission on 20 January 1998 of the State party's second periodic report. However, it notes that the State party's report did not follow the guidelines for periodic reports established by the Committee, with the result that it did not sufficiently cover important areas of the Convention, such as general principles, civil rights and freedoms, and family environment and alternative care. The Committee takes note of the written replies to its list of issues (CRC/C/Q/COS.2), while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 615th meeting, held on 28 January 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the State party's accession to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption, to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and to the 1994 Inter-American Convention against the International Traffic in Minors.

4. The Committee welcomes the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization (ILO)/International Programme for the Eradication of Child Labour (IPEC), for implementing a programme for the eradication of child labour.

5. In the light of its recommendations (see CRC/C/15/Add.11, paras. 11 and 15), the Committee welcomes the enactment of the Children and Adolescents Code (1998) and the participation of non-governmental organizations in the drafting of the Code. The Committee also welcomes the enactment of additional legislation on children's rights-related issues, such as the Law for Equal Opportunities for the Disabled (1996), the Law on Juvenile Justice (1996), the Maintenance Payment Act (1996) and the Law for the Protection of Adolescent Mothers (1997).

6. The establishment of a Children and Adolescents section, under the Office of the Ombudsman (Defensor del Pueblo), is considered as a positive measure, in accordance with the Committee's recommendation (CRC/C/15/Add.11, paras. 7 and 11). In this regard, the Committee also welcomes the fact that the Office of the Ombudsman has established a Permanent Forum for the Evaluation of the Implementation of the Children and Adolescent Code, which functions with the participation of civil society.

7. With regard to its recommendation (see CRC/C/15/Add.11, paras. 7 and 11) concerning the need to strengthen the State party's coordination and monitoring mechanisms for the implementation of the Convention, the Committee welcomes the creation of the National System for the Integral Protection of Children, and the National Council on Children and Adolescents, and the enactment of the Organic Law on the National Children's Trust (Patronato Nacional de la Infancia-PANI) (1996).

8. The establishment of the Ministry of Women's Affairs and the enactment of the Law against Domestic Violence (1996) and the Law on the Equality of Women are regarded as important contributions to the prevention and treatment of violence against children in general and as significant support to the improvement of the situation of girls in particular, in line with the Committee's recommendation (see CRC/C/15/Add.9 and 16).

C. Factors and difficulties impeding further progress in the implementation of the Convention

9. The Committee notes that poverty and socio-economic and regional disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child.

D. Principal subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation and institutional reform

10. Although the Committee welcomes the enactment of the Children and Adolescents Code (1998) and other related legislation, which are in line with the Committee's recommendation (see CRC/C/15/Add.11, para. 11), it remains concerned about the insufficient allocation of resources, both human and financial, to support the process of institutional reform necessary to guarantee the full implementation of this legislation. **The Committee recommends that the State party continue taking effective measures to carry out the necessary institutional reform to guarantee the full implementation of the Children and Adolescents Code and other legislation related to the rights of the child. In this regard, the Committee encourages the establishment of the Children and Adolescents Protection Boards (Juntas de Protección a la Niñez y Adolescencia) as decentralized institutions to guarantee the implementation of the Code. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide PANI and the Protection Boards with adequate financial and human resources to enable them to carry out their mandate in an effective manner.**

Coordination and monitoring

11. While noting the measures taken by the State party to establish adequate coordination between various entities dealing with issues relating to children, both at the national and local levels, the Committee is still concerned about the inadequate levels of representation of all actors and sectors in these coordination mechanisms. **The Committee recommends that the State party take effective measures to guarantee broader representation of all actors involved in the implementation of the Convention in the existing coordinating and monitoring mechanisms (e.g., Council on Children and Adolescents, Children and Adolescents Protection Boards), including at the municipal level, in order to strengthen their role.**

Data collection system

12. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.11, para.12) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken by the State party in this area, the Committee remains concerned about the lack of national disaggregated data on all the areas covered by the Convention. **The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and for helping design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

Training for professionals

13. While noting with appreciation the information on the conduct of training programmes for professionals working with and for children, the Committee is of the opinion that such measures need to be reinforced. **The Committee recommends that the State party continue with its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be sought in this regard.**

Allocation of budgetary resources

14. Although the Committee welcomes the adoption of National Plans of Action for Children and Adolescents and of the National Plan for Human Development, it remains concerned at the cuts in social expenditure in the national budget, as a result of the recent economic reforms, and at their negative impact on health, education and other traditional welfare areas for children. **In the light of articles 2, 3 and 4 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.11, para. 13) and further recommends that the State party take effective measures to allocate the maximum extent of available resources for social services and programmes for children, and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups.**

D.2 General principles

The right to non-discrimination (art. 2)

15. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the manifestations of xenophobia and racial discrimination against immigrants, particularly children belonging to Nicaraguan families residing illegally in the State party's territory; at the marginalization of children belonging to indigenous populations and to the Black Costa Rican ethnic minority; and at the regional disparities, in particular between the developed Central Valley and the less developed coastal regions and border areas. **The Committee recommends that the State party increase measures to reduce socio-economic and regional disparities; and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee also recommends that the State party undertake educational campaigns to raise awareness in order to prevent and combat discrimination on the grounds of gender, ethnic and/or national origin. In this regard, the Committee endorses the recommendations made by the Human Rights Committee (CCPR/C/79/Add.107) and the Committee for the Elimination of Racial Discrimination (CERD/C/304/Add.71).**

D.2 Civil rights and freedoms

16. The Committee notes with appreciation that the State party's domestic legislation has integrated provisions guaranteeing the participatory rights of children. However, it remains concerned that, in practice, these rights are not sufficiently implemented at the various levels of Costa Rican society. **In the light of articles 12 to 17 and other related articles of the Convention, the Committee recommends that further efforts be made to ensure the implementation of the participatory rights of children, especially their rights to participate in the family, at school, within other institutions and in society in general. Awareness raising among the public at large, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects and not as subjects of rights.**

17. The Committee expresses its concern about the inadequate enforcement of the prohibition on the use of corporal punishment in schools and other institutions and in the penal system. In addition, the Committee expresses its concern that the practice of physical punishment of children in the home is not expressly prohibited by law and remains regarded as socially acceptable. **The Committee recommends that the State party prohibit the use of corporal punishment in the home and take effective measures to enforce the legal prohibition of corporal punishment in schools and other institutions and in the penal system. The Committee further recommends that the State party undertake educational campaigns for the development of alternative disciplinary measures for children at home, in schools and other institutions.**

18. Although the Committee is aware that the State party's domestic legislation has included the right of the child to physical integrity (Children and Adolescents Code, art. 24) and that no cases of torture of children have been reported in the State party, concern is expressed at the lack of explicit legislation prohibiting the use of torture and that no sanction is provided in the legislation for those responsible for torture. **In the light of article 37 (a), the Committee recommends that the State party include a provision in its domestic legislation prohibiting children from being subjected to torture and establishing appropriate sanctions against the perpetrators of torture.**

D.3 Family environment and alternative care

Domestic and intercountry adoption (art. 21)

19. The Committee notes the amendments to the State party's legislation on adoption, in line with the Committee's recommendation (see CRC/C/15/Add.11, para. 14). However, the current legislation on adoption does not seem to comply fully with the requirements of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Costa Rica is a party. **The Committee recommends that the State party take further measures to reform its legislation, in accordance with the requirements of the above-mentioned Hague Convention, to which Costa Rica is a party.**

Child abuse, neglect, maltreatment and violence (art. 19)

20. While the Committee takes note of the State party's efforts to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel, to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims, and their limited access to justice are also matters of concern. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced, in order to provide children with prompt access to justice and to avoid the impunity of offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.**

D.4 Basic health and welfare

Right to health and access to health services (art. 24)

21. The Committee welcomes the State party's efforts to fulfil the goals set by the World Summit for Children. However, it remains concerned about regional inequalities in access to health services, as well as in immunization coverage and infant mortality rates. **The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children.**

Adolescent health (art. 24)

22. With regard to adolescent health issues (see CRC/C/15/Add.11, para. 16), while taking note of the measures taken by the State party in this field, the Committee remains concerned at the high and increasing rate of teenage pregnancies; at the insufficient access by teenagers to reproductive health education and counselling services, including outside school; and at the increasing rate of substance abuse among adolescents. **The Committee recommends that the State party undertake effective measures to develop adolescent friendly health policies and strengthen reproductive health education and counselling services in order, inter alia, to prevent and reduce teenage pregnancies. The Committee also recommends that further efforts be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities, for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.**

Children with disabilities (art. 23)

23. While the Committee welcomes the fact that the State party has established a special programme to protect the rights of children with disabilities, it remains concerned at the lack of adequate infrastructure, the limited qualified staff and the specialized institutions for these children. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.**

D.5 Education, leisure and cultural activities

24. With regard to education, the Committee welcomes the fact that the State party's budget allocation to education is one of the highest among developing countries and that measures are being taken, in cooperation with the World Bank (Basic Education Project), to improve primary education, specially for children living in rural and marginal areas. However, the Committee remains concerned that there is an increase in students' drop-out rates between primary and secondary school, due to the limited relevance of the school curricula, as well as to economic and social factors, such as the early insertion of children in the informal labour market. Concern is also expressed about discrepancies in access to education between urban and rural areas and the decrease in the quality of schools infrastructure. **The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-out students. The Committee further recommends that the State party conduct continuous training programmes for teachers on human rights, including children's rights. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNESCO and UNICEF.**

D.6 Special protection measures

Children belonging to minority and indigenous groups (art. 30)

25. The Committee remains concerned about the living conditions of children belonging to indigenous and ethnic minority groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. Concern is also expressed about the precarious situation of children belonging to Nicaraguan families illegally residing in the State party's territory. **In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic**

minority groups, as well as children of Nicaraguan families in irregular situations, against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

Economic exploitation (art. 32)

26. While welcoming the measures taken for the elimination of child labour, the Committee is concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee expresses concern at the insufficient law enforcement and the inadequate monitoring mechanisms to address this situation. **In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC to implement the national plan for the elimination of child labour and that it undertake all the actions envisaged in the Memorandum of Understanding signed between the State party and ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. In this regard, the Committee encourages the State party to ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The Committee, finally, recommends that child labour laws should be fully enforced, labour inspectorates strengthened and penalties imposed in cases of violation.**

Sexual exploitation and abuse (art. 34)

27. The Committee expresses its concern at the high incidence of commercial sexual exploitation of children in the State party, apparently often related to sex tourism. In this regard, while the Committee appreciates the measures taken to prevent and combat sexual abuse and exploitation of children, such as the reforms of the Penal Code (Law 7899 of 1999) and the adoption of a plan of action to tackle this issue, it is of the opinion that these measures need to be reinforced. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to strengthening current policies and measures, including in the area of care and rehabilitation, in order to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

Administration of juvenile justice (arts. 37, 40, and 39)

28. With regard to the administration of juvenile justice, the Committee welcomes the State party's measures to implement the Committee's recommendations (CRC/C/15/Add.11, para. 15). However, the Committee remains concerned, inter alia, that the new Law on Juvenile Justice (1996) has not yet been fully implemented; that there is an insufficient number of specialized judges; that there is only one specialized centre for children in conflict with the law; that there is a lack of adequate training for the police on the Convention and other relevant international standards; that a large number of children are placed in pre-trial detention; and that the penalties imposed on children in conflict with the law are disproportionately heavy in relation to the nature of the offences. **The Committee recommends that the State party**

continue undertaking effective measures to overcome these and other obstacles in fully implementing its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In this regard, the Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

Dissemination of the report (art. 44)

29. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child: the Former Yugoslav Republic of Macedonia

1. The Committee received the initial report of the Former Yugoslav Republic of Macedonia (CRC/C/8/Add.36) on 4 March 1997 and considered the report at its 597th and 598th meetings (see CRC/C/SR.597-598), held on 17 January 2000 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written answers to the list of issues (CRC/C/Q/MAC/1) submitted by the State party. The Committee notes with appreciation the constructive efforts made by the delegation to provide additional information in the course of the dialogue.

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* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee is encouraged by the State party's establishment of an Ombudsperson for children's rights and notes the State party's progress in reducing infant and maternal mortality in recent years and the progress made in raising significantly the levels of enrolment of children to primary school.

4. The Committee commends the State party for its efforts to support refugees from neighbouring countries and to protect the rights of children among the refugee communities.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee recognizes the continuing economic and political transitions within the State party, the serious armed conflicts which have emerged repeatedly in neighbouring States, the imposition of international sanctions upon parts of the region and the associated economic difficulties which hinder the full implementation of the Convention.

D. Principal subjects of concern, suggestions and recommendations

D.1. General measures of implementation
(arts. 4, 42 and 44, para. 6 of the Convention)

Legislation

6. The Committee notes that, in accordance with article 118 of the Constitution, international agreements are incorporated in domestic legislation and are directly applicable. However, the Committee is concerned that the Constitution and other legislation, partly pre-dating the entry into force of the Convention on the Rights of the Child, do not appear to fully reflect the provisions and principles of the Convention. The Committee is concerned, further, that the Convention's principles and provisions are not reflected in policy and administrative practice.

7. **The Committee urges the State party to review its legislation and adopt appropriate amendments, to ensure conformity with the Convention. In addition, the Committee recommends that the State party make further efforts to ensure that the provisions and principles of the Convention are reflected, applied and enforced in State policy and administrative practices.**

Coordination/independent monitoring structures

8. The Committee is concerned that there is no mechanism responsible for the coordination and evaluation of the implementation of the Convention.

9. **The Committee recommends that the State party allocate principal responsibility for the coordination and evaluation of implementation of the Convention to a single mechanism.**

10. While the Committee is encouraged by the State party's efforts to develop projects focusing on children, the Committee wishes to emphasize the importance for the State party of developing an overall national plan of action for the effective implementation of children's rights, and that individual projects should each form a part of a larger strategy.

11. **The Committee recommends that the State party develop a cross-ministerial plan of action for the implementation of children's rights, pursue implementation of the various projects referred to in the State party's report and ensure coordination of policy making and implementation. The Committee further urges the State party to adopt a holistic child rights approach to implementing the Convention and to consider seeking technical assistance from UNICEF in this domain.**

Allocation of budgetary resources/regional disparities: article 4

12. The Committee recognizes the hardship imposed by the current socio-economic difficulties in the State party and expresses its concern over the impact that the financial situation may have on children, including, notably, those from poor families. The Committee also notes, with concern, that there are significant regional disparities with regard to the extent to which children benefit from the respect of their rights.

13. **In the light of articles 2, 3 and 6 of the Convention, and with a view to achieving full application of article 4, the Committee urges the State party to make every effort to protect children's rights from the negative effects of the current economic situation, including through the prioritization of budgetary allocations in a manner which ensures the best possible implementation of the Convention and to the maximum extent of the State party's available resources. In this regard, the Committee further recommends that the State party give particular attention to the situation of children of poor families and from regions experiencing particular economic difficulties.**

Cooperation with NGOs

14. **The Committee encourages the State party to increase its support for, and cooperation with, NGOs with regard to implementation of the Convention.**

Dissemination of the Convention

15. **In the light of article 42 of the Convention and recognizing the State party's efforts to disseminate human rights, including children's rights, in schools and to specific professional groups, the Committee urges the State party to make additional efforts to disseminate the Convention, to provide training on its provisions for professionals, including law officials, teachers and health workers, and to provide teaching on its provisions to the adult population. The Committee recommends that the State party consider seeking technical advice from UNICEF in this regard.**

D.2. General principles
(arts. 2, 3, 6 and 12 of the Convention)

Principle of non-discrimination: article 2

16. The Committee is concerned that under the current arrangements with regard to the "three child policy", children from families with more than three children are at a disadvantage with regard to access to social service, financial and other assistance.

17. **In the light of article 2 of the Convention, the Committee recommends that the State party find alternative means to implement the three child policy, other than excluding the fourth child from social service benefits, and ensure that all children have equal access to such assistance without discrimination.**

Principle of the best interests of the child: article 3

18. **The Committee welcomes the information provided in the State party's answers to the list of issues concerning implementation of the best interests principle and encourages the State party to continue to integrate the principle into all legislative and administrative practices, and to review its decision-making and implementation procedures so as to ensure that the best interests of the child are a primary consideration.**

The right to have views heard and given due weight: article 12

19. Recognizing the provisions in domestic legislation protecting the child's rights to have views heard, the Committee remains concerned that implementation of this right is not adequately reflected in administrative policy and practice, including in the activities of the Centres for Social Work.

20. **In the light of article 12 of the Convention and recognizing the progress made by the State party in respecting the right of children to have their views heard through the children's parliament and in schools, the Committee recommends that the State party continue to take all appropriate measures to ensure that children are provided with appropriate opportunities to express their views and that these are given due weight, in accordance with the provisions of the Convention.**

D.3. Civil rights and freedoms
(arts. 7, 8. 13-17 and 37 (a))

The right to birth registration: article 7

21. The Committee is concerned that, in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth and is further concerned at the fact that a large proportion of unregistered births are of Roma children. The Committee recalls that official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the State of birth or in another State, and to gaining access to social assistance, health, education and other services.

22. **In the light of article 7 of the Convention, the Committee urges the State party to make every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation.**

Corporal punishment

23. Recognizing the State party's efforts to end corporal punishment practices in schools, the Committee is nevertheless concerned that such practices have not been entirely ended in schools and also continue outside of the school context.

24. **The Committee urges the State party to continue its efforts to end corporal punishment practices in schools, to monitor and record the use of corporal punishment against children in all contexts, and to make every effort to prevent the practice of corporal punishment including through its prohibition by law. The Committee further encourages the State party to undertake campaigns to raise the awareness of parents, in particular, of the harmful effects of corporal punishment.**

D.4. Family environment and alternative care
(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)

25. The Committee expresses its concern that in decisions with regard to the family environment and the alternative care of children the principles of the Convention are not always fully respected.

26. **The Committee recommends that the State party further develop legislation supporting foster care, and that the State party strengthen community services in favour of families with economic, social or other difficulties and families caring for children with disabilities and with emotional or behavioural problems, in a manner which assures greater respect for the principles of the Convention.**

27. The Committee is concerned that incidents of sexual abuse and family violence may not be adequately identified and addressed.

28. **The Committee recommends that the State party conduct training for the police and the staff of the Centres for Social Work on the detection of child abuse and domestic violence, and on suitable responses.**

29. The Committee is concerned that the Centres for Social Work are under-resourced, limiting their capacity to perform their many functions effectively, including those in favour of children. The Committee is further concerned that the Centres for Social Work are currently authorized to make decisions relative to the placement of a child with one parent, without judicial review.

30. **The Committee urges the State party to consider the use of alternative mechanisms with regard to implementation of the Convention's provisions concerning the family environment and alternative care or to increase the resources available to the Centres for**

Social Work. Recognizing the existence of an appeals procedure under current arrangements, the Committee nevertheless recommends that the State party establish a mechanism providing for judicial review of situations requiring the placement of a child with one parent.

D.5. Basic health and welfare
(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3)

31. Recognizing the State party's efforts to provide financial and other assistance to ensure the access of children to health care, the Committee is nevertheless concerned that not all children have equal and adequate access to health care including, notably, children from regions facing particular economic hardship. Further, the Committee is concerned that the State party's policy of requiring adolescents aged 15 to 18 to make financial contributions to their health care costs may limit their access to health care, including sexual health education.

32. **The Committee urges the State party to continue its efforts to ensure that all children, and from all regions, have equal access to health care services. The Committee further recommends that the State party review policies requiring 15- to 18-year-olds to share costs, and to ensure that these policies do not restrict the access of adolescents to full health care.**

Children with disabilities: article 23

33. While aware of the State party's efforts to integrate children with disabilities into formal education and into regular recreation programmes, the Committee remains concerned that children with disabilities remain excluded from many such activities. With regard to children with disabilities requiring additional facilities, the Committee is concerned by the quality of educational, health and other facilities available, inter alia, facilities providing access to schools.

34. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), the Committee recommends that the State party make further efforts to integrate children with disabilities into educational and recreational programmes currently used by children without disabilities. With particular reference to article 23 of the Convention, the Committee further recommends that the State party continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools, review the facilities and assistance available to children with disabilities and in need of special services, and improve these services in accordance with the provisions and spirit of the Convention.**

35. **With reference to article 23, paragraph 3, of the Convention, the Committee further encourages the State party to strengthen its efforts to benefit from international cooperation, including from UNICEF, in favour of children with disabilities, with a view to improving State policy and action.**

Infant mortality

36. Recognizing the progress made in reducing infant mortality, the Committee, nevertheless, acknowledges the State party's recognition of, and expresses its own concern at, the continuing elevated incidence of such mortality.

37. **Noting the correlation, identified by studies, between low education among mothers and high infant mortality, and between the incidence of such mortality and certain regions, the Committee urges the State party to continue its efforts to address this concern, inter alia, through the effective provision of adequate health education to mothers. The Committee recommends that the State party seek technical assistance from UNICEF and WHO in this regard.**

HIV/AIDS

38. Recognizing the State party's significant efforts to address health concerns related to HIV/AIDS, the Committee is concerned that such efforts be maintained in the interests of preventing the spread of HIV/AIDS.

39. **The Committee recommends that the State party continue with its current efforts to address HIV/AIDS concerns, including through the continuous use of effective monitoring and prevention mechanisms. The Committee recommends that the State party seek technical assistance in this regard from WHO.**

Adolescent health/pregnancy among girls

40. Acknowledging the State party's recognition of problems in the area of adolescent and sexual health issues, the Committee joins the State party in expressing concern, in particular at the high level of abortions among girls and at the incidence of sexually transmitted diseases.

41. **The Committee urges the State party to strengthen data collection methods with regard to adolescent health concerns. The Committee recommends, further, that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services, inter alia with regard to HIV/AIDS, STDs, pregnancy among girls and abortion. The Committee recommends that the State party seek technical assistance from WHO.**

D.6. Education, leisure and cultural activities
(arts. 28, 29, 31)

The right to education: article 28

42. The Committee acknowledges the recent marked increases in the enrolment of children in primary schools and other increases in secondary and university enrolment. However, the Committee remains concerned that a significant proportion of school-aged children do not attend primary and, notably, secondary school. Specifically, the Committee is concerned at the low proportion of girls in general, and children from the Roma minority in particular, who enroll in

educational establishments at all levels, and at the low numbers of children from all minority groups who enroll at the secondary school level. The Committee is concerned, further, at the extremely high drop-out rates of girls from primary and secondary education.

43. **The Committee recommends that the State party pursue its efforts to increase the enrolment levels of all children from minorities in primary and secondary schools, with special attention to girls in general and children from the Roma minority in particular.**

44. The Committee recognizes the State party's significant efforts to make primary and secondary education available in minority languages, but expresses its concern that many primary and secondary schools are under-resourced and, in particular, that primary and secondary school education available in minority languages is of a lower standard than that available in the Macedonian language. The Committee notes, further, the inevitable effect of poor primary and secondary education in discouraging enrolment, raising the number of children who drop out and in limiting the numbers of children from minorities who are able to pass examinations leading to university education.

45. **With reference to articles 2 and 28 of the Convention on the Rights of the Child, and with a view to ensuring an equal standard of educational services in all schools, to encouraging increased enrolment, to discouraging children from dropping out and to increasing the numbers of children from minorities who follow higher education, the Committee recommends that the State party review the allocation of financial and other resources to all primary and secondary schools, with particular attention to raising the quality of education in minority language schools. The Committee recommends, in addition, that the State party consider increasing the numbers of hours of teaching of the Macedonian language in minority language schools, on a voluntary basis, with a view to ensuring that children who are minority language speakers are able to participate on a more equal level with Macedonian-speaking children at higher education levels at which entrance examinations and teaching are conducted primarily in the Macedonian language. The Committee suggests further that the curricula in all schools should include a greater focus on the personal development and vocational training of students and on inter-ethnic tolerance. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.**

D.7. Special protection measures
(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

Administration of juvenile justice: articles 37, 39 and 40

46. The Committee is concerned at the absence, in the State party report, of information on principles of judicial sentencing of juveniles and data on the existence and use of alternatives to imprisonment as a sentencing option for Juvenile Councils.

47. **The Committee recommends that the State party consider relevant reforms of juvenile justice policy and practice in accordance with articles 37 and 40 and 39 of the Convention on the Rights of the Child, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations**

Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to ensuring that detention and imprisonment are used only as a measure of last resort, for example by developing alternative measures.

48. Recognizing the existence of psychological assistance facilities under the auspices of the Centres for Social Work, the Committee, nevertheless, remains concerned at the absence of measures to provide for the physical and psychological recovery and reintegration of children who have been the victims of crime, and of children who have participated in judicial proceedings or who have been confined in institutions.

49. **In the light of article 39 of the Convention, the Committee recommends that the State party urgently establish appropriate programmes to provide for the physical and psychological recovery and reintegration of such children and that these mechanisms be used in the administration of juvenile justice.**

Child labour/commercial exploitation: article 32

50. The Committee is concerned at the reported incidence of child labour within the State party, and notes that the labour of children under 15 may also prevent these children from attending primary school and is particularly prevalent among certain minority groups.

51. **The Committee recommends that the State party collect and publish data on the incidence of child labour, both under the age of 15 and between the ages of 15 and 18. The Committee also recommends that the State party address cases of economic exploitation of children, in particular street children, including through the enforcement of primary school attendance obligations and through efforts to raise secondary school attendance. The Committee further suggests that the State party ratify International Labour Organization's Conventions No. 138, Concerning the Minimum Age for Admission to Employment (1973), and No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

Drug abuse

52. The Committee acknowledges the State party's recognition of, and expresses its own concern at, recent increases in drug abuse among children.

53. **The Committee recommends that the State party continue to monitor the incidence of drug abuse among children, proceed with preventive measures and make appropriate rehabilitative and other assistance available to children who are already addicted to drugs.**

Children of minorities or of indigenous groups: article 30

54. While recognizing the State party's efforts to ensure equal enjoyment of rights for children from minority communities, the Committee remains concerned that children from some minority populations, and the Roma in particular, do not enjoy full respect of their rights.

55. **The Committee encourages the State party to continue its efforts to ensure the equal implementation of the Convention for all children and to make every effort to ensure that the children of minorities are able to benefit fully from the Convention's principles and provisions. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.**

Dissemination of the report, written answers, concluding observations

56. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Armenia

1. At its 603rd and 604th meetings (see CRC/C/SR.603-604), held on 20 January 2000, the Committee on the Rights of the Child considered the initial report of Armenia (CRC/C/28/Add.9), which was submitted on 19 February 1997, and adopted* the following concluding observations.

A. Introduction

2. The Committee regrets that the State party report (CRC/C/28/Add.9) was not prepared according to the Committee's guidelines for initial reports. In particular, apart from in the spheres of health, welfare and education, there are significant gaps in information relating to general measures of implementation, general principles, civil rights and freedoms, and special protection measures. The Committee notes the timely submission of the written answers to the list of issues (CRC/C/Q/ARM/1) and the high level of the delegation in attendance, which enabled a constructive dialogue to take place. Moreover, the Committee appreciated the frank and open nature of the dialogue.

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* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee welcomes the adoption of the 1996 Rights of the Child Act, which demonstrates the commitment of the State party to its obligations under the Convention.

4. The Committee notes that the State party is party to the six major international human rights instruments.

5. The Committee welcomes the establishment of the Human Rights Commission and the Gender Commission. It further welcomes the preparatory work towards the establishment of an Ombudsman.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that during the past few years the State party has had to face serious economic, social and political challenges posed by the transition to a market economy, including increased unemployment and poverty.

7. The Committee also notes the major socio-economic problems experienced as a consequence of armed conflict. It takes particular note of the large population of refugees and displaced persons. Moreover, the Committee notes that the consequences of the 1988 earthquake have had a serious impact on the welfare of the population, negatively affecting 40 per cent of the territory and approximately one third of the population, including children.

D. Principal subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

8. While the Committee takes note that the 1996 Rights of the Child Act reflects some principles and provisions of the Convention, it nevertheless remains concerned that other relevant laws are not in full conformity with the Convention, and that disparities exist between law and practice.

9. **The Committee recommends that the State party pursue efforts to ensure full compatibility of its legislation with the Convention, based on a child rights approach and taking due account of the principles and provisions of the Convention. The Committee recommends greater steps be taken to ensure that these measures are fully implemented.**

Coordination

10. The Committee is concerned that the lack of administrative coordination and cooperation at the national and local levels is a serious problem in the implementation of the Convention.

11. **The Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give attention to intersectoral**

coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention.

Independent/monitoring structures

12. The Committee is concerned at the absence of a mechanism to collect and analyse disaggregated data on persons under 18 years in all areas covered by the Convention, including the most vulnerable groups (i.e. children with disabilities, children born out of wedlock, children who are living and/or working in the streets, children affected by armed conflicts, children living in rural areas, refugee children and children belonging to minority groups).

13. **The Committee recommends that the State party develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF, in this regard.**

14. The Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels. In this regard, the Committee welcomes the State party's intention to establish a national commission for children.

15. **The Committee encourages the State party to establish a statutory, independent national commission for children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention. Further, such a Commission should be adequately empowered, composed and resourced so as to effectively take the lead in the process of implementing the Convention.**

Allocation of budgetary resources (art. 4)

16. The Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of economic, social and cultural rights of children.

17. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels, where needed within the framework of international cooperation.**

Cooperation with NGOs

18. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited. It is also concerned about the difficulties involved in the system of official registration of NGOs.

19. **The Committee encourages the State party to consider a systematic approach, involving NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making. Furthermore, the Committee recommends that the State party provide the necessary support to NGOs to facilitate and accelerate the registration process.**

Training/dissemination of the Convention (art. 42)

20. The Committee notes the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

21. **In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.**

D.2. Definition of the child

22. The Committee is concerned about the disparities existing in legislation relating to minimum-age requirements, such as the minimum age for admission to employment (e.g. under the Civil Code and the 1996 Rights of the Child Act).

23. **The Committee recommends that the State party review its legislation with a view to ensuring that age limits conform to the principles and provisions of the Convention, and that it make greater efforts to enforce those minimum-age requirements.**

D.3. General principles

The right to non-discrimination (art. 2)

24. Noting that discrimination is prohibited under the law, the Committee, in line with the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1), the Human Rights Committee (CCPR/C/79/Add.100) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), is concerned that de facto discrimination on the grounds of gender persists. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights

in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

25. **The Committee recommends that the State party make concerted efforts at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The Committee encourages the State party to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within the society and particularly within the family, where needed within the framework of international cooperation.**

Respect for the views of the child (art. 12)

26. In the light of article 12 of the Convention, the Committee is concerned that this general principle is not adequately reflected in the 1996 Rights of the Child Act. Moreover, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

27. **The Committee encourages the State party to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop training programmes in community settings for teachers, social workers and local officials in assisting children to make and express informed decisions and to have their views taken into consideration.**

D.5. Family environment and alternative care

Children deprived of a family environment (art. 20)

28. The Committee expresses deep concern over the prevailing policies and practices of institutionalization in Armenia. In particular, the Committee is concerned that institutionalization, quite apart from being an alternative for children deprived of their parents, is effectively a substitute for parents who do not have the means to maintain their children. Moreover, the Committee is concerned at the high numbers of children in institutions, and the living conditions there. The Committee is concerned that these institutions are inadequately organized to provide a family environment, to support family ties or to meet the individual needs of each child; and that few community services are available to assist the parents to resolve the problems that force them to seek admission of their children. In the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitor or follow up the situation of children in institutions.

29. **Noting that the State party is considering draft codes of practice and regulations concerning placement of and institutional assistance to children deprived of a family**

environment, the Committee nevertheless recommends that the State party formulate and implement a national policy of deinstitutionalization of children. The Committee recommends that the State party increase and promote the use of alternatives to institutionalization, such as community-based programmes to assist parents and foster care. In the event of the closure of institutions, consideration needs to be given to the planning and provision of substitute services for children who could be displaced by such closures. The Committee recommends further training of personnel in institutions. The Committee recommends that regular periodic review of placement be instituted and that mechanisms be established to evaluate and monitor the conditions in these institutions.

Adoption (art. 21)

30. The Committee is concerned about the absence of national standards and statistics on foster care and adoption. The Committee is concerned that, with the current informal system of foster care, there is no established mechanism to review, monitor and follow up placement of children. Similarly in relation to adoption, the Committee is concerned about vague adoption procedures and the absence of mechanisms to review, monitor and follow up adoptions.

31. **Noting that the State party is considering draft codes of practice in relation to national and intercountry adoption, the Committee encourages the State party to establish a comprehensive national policy and guidelines governing foster care and adoption, and to establish a central monitoring mechanism in this regard. The Committee recommends that the State party accede to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption.**

Violence/abuse/neglect/maltreatment (art. 19)

32. The Committee reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1) and the Human Rights Committee (CCPR/C/79/Add.100) that the State party has failed to acknowledge and address the matter of domestic violence. Notwithstanding protection under the Rights of the Child Act, the Committee expresses its concern at the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family. Limited access to complaints mechanisms and the insufficiency of rehabilitation measures for such children are also matters of concern to the Committee.

33. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions are prohibited. Programmes for the rehabilitation and reintegration of abused children need to be strengthened and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment. The Committee recommends that the State party launch awareness-raising campaigns on the ill-treatment of children and its negative consequences. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. The Committee**

recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of cases of ill-treatment.

D.6. Basic health and welfare

Children with disabilities (art. 23)

34. While noting the protection afforded to children with disabilities under the 1996 Rights of the Child Act, the Committee is nevertheless concerned at the prevailing poor situation of children with disabilities, who are often institutionalized.

35. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee encourages the State party to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The Committee encourages the State party to undertake a comprehensive national study on the situation of children with disabilities. Awareness campaigns, which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children, and the State party is encouraged to develop special education programmes for children with disabilities. The Committee encourages the State party to undertake greater efforts to make available the necessary resources, and to seek assistance from inter alia UNICEF and WHO, and relevant NGOs.**

Right to health and health services (art. 24)

36. The Committee wishes to reiterate the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39) with regard to the deterioration in the health of the Armenian people, especially women and children, and decreasing budgetary allocations in this sector. The Committee's concerns include the deterioration in the quality of care; inadequate prenatal and neonatal care; poor nutrition; that the cost of care is a barrier to access to health care for poor households; and that abortion is the most commonly used means of family planning.

37. **The Committee recommends that the State party increase allocation of resources towards an effective primary health care system. The Committee recommends that the State party continue its efforts to distribute food to the poorest sections of society; expand use of iodized salt; and establish family planning programmes. The State party is encouraged to continue cooperation with and seek assistance from, inter alia, UNICEF, WHO, the World Food Programme and civil society.**

38. With regard to adolescent health, the Committee is concerned at the high and increasing rate of teenage pregnancies, and the consequent high rate of abortions among girls under 18, especially illegal abortions; and the rise in rates of STDs and spread of HIV. Although parents

play the most important role in this regard, nevertheless cultural attitudes, and lack of personal knowledge and communication skills on the part of parents are barriers to accurate reproductive health information and counselling.

39. **The Committee recommends that the State party undertake a comprehensive study on the nature and extent of adolescent health problems, to be used as a basis for formulating adolescent health policies. In the light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, and child-friendly counselling and rehabilitation services.**

40. The Committee expresses its concern at the high incidence of environmental threats, including contamination of water supplies, which have a negative impact on the health of children. The Committee is concerned that there is insufficient data on access to clean water and sanitation.

41. **In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee encourages the State party to collect data on access to clean water and sanitation.**

Right to an adequate standard of living (art. 27)

42. The Committee is concerned about the situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia.

43. **The Committee recommends the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing, and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual, and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party undertake a study on the nature and extent of the phenomenon.**

D.7. Education, leisure and cultural activities

Right and aims of education (arts. 28 and 29)

44. In line with the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), the Committee is concerned at the decline in budgetary allocation to the education sector, and the deterioration in the quality of education. The Committee remains concerned at the persistence of high drop-out, repetition and absenteeism rates, as well as poor access to education in rural areas. Moreover, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.51), the Committee expresses its concern that the requirement for teaching in

the Armenian language may in practice deny full access to education to ethnic and national minorities. The Committee is also concerned that low wages have forced teachers to offer private tuition, creating a two-tier system of education.

45. **The Committee recommends that the State party take all necessary measures to allocate the required resources (i.e. human and financial) to improve access to education for the most vulnerable groups of children; and to ensure that the quality of education is monitored and guaranteed. The Committee also recommends that the State party strengthen its educational policies and system in order to establish retention programmes and vocational training for drop-out students. The Committee recommends that greater efforts be directed to improving the quality of teacher training programmes, and improving the school environment. The Committee recommends that the State party pay due regard to the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee encourages the State party to seek assistance from, inter alia, UNICEF, UNESCO and relevant NGOs.**

D.8. Special measures of protection

Unaccompanied, asylum seeking and refugee children (art. 22)

46. While the Committee welcomes the State party's openness towards refugees from neighbouring States, it remains concerned at the limited enjoyment of their rights by refugee, asylum-seeking and unaccompanied children.

47. **The Committee recommends that the State party increase efforts to implement the 1998 Refugee Law and adopt implementing sub-legislation. Given that the requirement of housing registration may be a barrier to naturalization for refugees, the Committee recommends that the State party continue efforts to facilitate naturalization through de facto residence registration, as well as easing the procedure and eligibility for regular housing registration. The Committee recommends that the State party establish special status determination procedures for unaccompanied children, and provide documentation to legalize stay in Armenia for asylum-seekers. The Committee recommends that the State party prevent the recruitment of refugees into the military. The Committee recommends that the State party continue its efforts to teach the Armenian language to refugee children and to address the trend of school drop-out among refugee adolescents. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF to address the limited health, education and rehabilitation services available for refugee children, especially those residing in remote areas.**

Children and armed conflict, and their recovery (arts. 38 and 39)

48. The Committee expresses its concern at the negative impact of recent armed conflicts on children. In addition, the Committee is concerned about the alleged conscription of young children into the State party's armed forces.

49. **In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children in armed conflict, and provide care and physical rehabilitation and psychological recovery measures for these children. The Committee also recommends that the State party refrain from conscripting children into the armed forces.**

Economic exploitation (art. 32)

50. The Committee is concerned that the negative effects of the current economic crisis has resulted in an increasing number of children dropping out of school and taking up work. The Committee also expresses its concern at the existence of children working in the informal sector, especially in agriculture, many of whom are working in hazardous conditions. The Committee is concerned that there is little awareness about the negative consequences of child labour and that there are inadequate measures to address it in Armenia.

51. **The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of child labour. The Committee recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards; and to involve and train employers', workers' and civic organizations; government officials, such as labour inspectors and law enforcement officials, and other relevant professionals. The State party should seek cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs in this regard. It is also recommended that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

Drug abuse (art. 33)

52. The Committee is concerned about the increasing use and traffic in illicit drugs, and the alarming rates of tobacco use among persons under 18 years.

53. **The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use, including tobacco use; and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse. The Committee recommends cooperation with and assistance from WHO and UNICEF.**

Sexual exploitation and sexual abuse (art. 34)

54. The Committee is concerned at the insufficient data and awareness of the phenomena of sexual abuse and exploitation of children in Armenia, and the absence of a comprehensive and integrated approach to prevent and combat these phenomena.

55. **The Committee recommends that the State party undertake a national study on the nature and extent of sexual abuse and sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether local or foreign, while ensuring that the child victims of these practices are not penalized. The Committee recommends that the State party ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need for trained personnel. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.**

Administration of juvenile justice (arts. 37, 40 and 39)

56. The Committee is seriously concerned at the absence of a system of juvenile justice in Armenia, in particular the absence of special laws, procedures and juvenile courts. The Committee expresses its concern at the length of pre-trial detention and the limited access to visitors in this period; the use of detention not as a measure of last resort; the often disproportionate length of sentences in relation to the seriousness of offences; conditions of detention; and the fact that juveniles are often detained with adults. The Committee is also concerned at the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

57. **The Committee recommends that the State party take all measures to fully integrate into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed.**

58. **The Committee recommends that the State party take into account the recommendations adopted at its Day of General Discussion on the Administration of Juvenile Justice (CRC/C/46). Furthermore, the Committee recommends that the State party seek assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.**

D.9. Dissemination of the report

59. **Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Peru

1. The Committee considered the second periodic report of Peru (CRC/C/65/Add.8), submitted on 25 March 1998, at its 605th and 606th meetings (see CRC/C/SR.605 and 606), held on 21 January 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the wealth of information provided in the State party's second periodic report. Although no explicit reference to the Committee's previous recommendations is contained in the report, the numerous activities mentioned in it are follow-up measures to these recommendations. The Committee notes the submission of the written answers to the list of issues (CRC/C/Q/PER/2), although not in time for the Committee to take them fully into account during the dialogue with the State party. The Committee notes with appreciation that the quality of the State party's delegation allowed not only for an open and frank dialogue but also provided the Committee with precise and valuable additional information about the implementation of the Convention in the State party.

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* At the 615th meeting held on 28 January 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The launching of initiatives such as the National Strategy to Combat Poverty (1995-2000) and the National Programme of Action for Children (1996-2000), as well as the development of regional children's plans of action, are regarded as positive measures in line with the Committee's recommendations (see A/49/41, para. 163).

4. The Committee welcomes the participation of non-governmental organizations in the process of elaboration of the State party's second periodic report as well as in other projects and programmes for children, in line with the Committee's recommendation (ibid., para. 159).

5. The translation of the Convention into Quechua, one of the official languages in the State party, is also regarded as a positive measure in line with the Committee's recommendation (ibid., para. 165).

6. The State party's accession to the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women, the enactment of Law 26260 for protection against domestic violence, and of Law 27055 containing reforms criminalizing sexual violence issues are regarded as positive steps to combat violence against children and for the treatment of victims, in line with the Committee's recommendation (ibid.).

7. The Committee welcomes the State party's accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction.

8. In light of its concern on the situation of child labour (ibid., para. 156), the Committee welcomes the signing of a memorandum of understanding between the State party and the International Labour Organization (ILO)/International Programme for the Elimination of Child Labour (IPEC) as well as the activities undertaken under this programme.

C. Factors and difficulties impeding further progress in the implementation of the Convention

9. The Committee notes that widespread poverty and long-standing economic and social disparities are still affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party.

10. While noting the decrease in political violence and terrorist activities, the Committee notes with concern that the consequences of these activities are still having a negative impact on the life, survival and development of children in the State party.

D. Principal subjects of concern and recommendations of the Committee

1. General measures of implementation

Legislation

11. While the Committee welcomes the implementation of the Children and Adolescents Code (1993), it remains concerned about the application of Decree 895 (Ley contra el Terrorismo Agravado) and Decree 899 (Ley contra el Pandillaje Pernicioso), both establishing lower legal minimum ages for criminal responsibility than the one contained in the Code and therefore not in line with the principles and provisions of the Convention. In this regard, the Committee takes note of the enactment of Law 27235, which modifies Decree 895, transferring the jurisdiction of cases of terrorism from military to civilian courts, but retaining the provision regarding lower legal ages of criminal responsibility. **The Committee recommends that the State party consider developing alternative measures and programmes to deal with the problems addressed by Decrees 895 and 899 in order to bring them into line with the Convention on the Rights of the Child and the Children and Adolescents Code.**

Coordination and monitoring

12. While welcoming the follow-up measures taken to improve the coordination and monitoring of the implementation of the Convention, such as the establishment of the Ministry for the Enhancement of Women and Human Development (PROMUDEH) and the Commission for the Coordination of the National System for Comprehensive Care of Children and Adolescents (known as the Ente Rector), the Committee is of the opinion that further efforts are needed to strengthen the role of these mechanisms. **The Committee recommends that the State party continue taking measures to strengthen the Ente Rector by providing it with adequate financial and human resources to carry out its mandate in an effective manner. The Committee encourages the State party to continue with its process of decentralization of the Ente Rector in order to ensure the monitoring of the implementation of the Convention throughout all the provinces of the State party's territory. In this regard, the Committee recommends that the State party take effective measures to guarantee broader representation in the Ente Rector, including at the municipal level, in order to strengthen its role.**

Local structures for the defence of children's rights

13. The Committee welcomes the establishment of Children and Adolescents Defence Centres, but it remains concerned about the limited capacity of these new entities, their limited presence in the highland provinces, the poor qualifications of the staff and the inadequate level of their financial resources. **The Committee recommends that the State party continue with its efforts to strengthen the mandate of the Children and Adolescents Defense Centres. The Committee also recommends that the State party provide the centres with adequate levels of financial and human resources to carry out their mandate in an effective manner.**

Data-collection system

14. While taking note of the statistics on the situation of children contained in the annexes to the State party's report and the efforts undertaken for the monitoring of the National Plan of Action for Children, the Committee remains concerned about the lack of disaggregated data for all areas covered by the Convention. **The Committee recommends that the State party continue reviewing and updating its data-collection system, with a view to including all areas covered by the Convention. In this regard, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age, specifically emphasizing the situation of vulnerable groups of children, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. Furthermore, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

Allocation of budgetary resources (art. 4)

15. While acknowledging the measures taken in the areas of health and education, the Committee remains concerned about the limitations imposed, owing to budgetary restrictictions, on the full implementation of social programmes for children, in particular the National Plan of Action for Children. **The Committee reiterates its recommendation (ibid., para. 163) that such measures should be undertaken "to the maximum extent of [...] available resources" in light of articles 2, 3 and 4 of the Convention and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups. The Committee further recommends that the State party develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty in order to give priority to budget allocations for these groups of children. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

3. General principles

The right to non-discrimination (art. 2)

16. While welcoming the adoption of special programmes, within the National Plan of Action for Children, for the protection of the rights of the most vulnerable children, the Committee is of the opinion that these measures need to be reinforced. Concern is expressed at the existing patterns of gender and racial discrimination; at the marginalization of children belonging to indigenous populations; and at the precarious situation of children from the rural highlands and the Amazonia region, especially regarding their limited access to education and health services. **In light of its recommendation (ibid., para. 154), the Committee further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.**

Best interests of the child (art. 3)

17. The Committee takes note of the efforts made by the State party for the implementation of the principle of "best interests of the child" (art. 3) in the judicial and other administrative procedures. The Committee is of the opinion that these measures need to be strengthened. **The Committee recommends that further efforts be made to ensure the implementation of the principle of "best interests of the child". This principle should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children who are too often regarded as objects (Doctrina de la Situación Irregular) rather than subjects of rights.**

Right to life, survival and development (art. 6)

18. While the Committee notes with appreciation the establishment of special programmes for children belonging to families who have been displaced as a result of political violence and terrorism, the Committee remains concerned about the short- and long-term consequences of the decreasing but still prevailing climate of violence in several regions of the State party's territory (emergency zones), which threatens the development and right to life of children. **The Committee reiterates its recommendation (ibid., para. 160) that the State party continue taking effective measures to protect children against the negative impact of internal violence, including the establishment of rehabilitation measures for child victims of this violence.**

4. Civil rights and freedoms

Birth registration (art. 7)

19. With regard to the Committee's recommendation (ibid., para. 161) to ensure birth registration in areas affected by internal violence, the Committee welcomes the State party's efforts in this area but is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. **In light of article 7 of the Convention, the Committee recommends that the State party continue with its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.**

Respect for the views of the child (art. 12) and other participatory rights of children

20. Although the Committee welcomes the establishment of initiatives to promote children's participatory rights, such as PROMUDEH's Network of Adolescent Leaders, it is of the opinion that these efforts need to be improved and strengthened. **In light of articles 12 to 17 of the Convention, the Committee recommends that further measures be undertaken to promote the participation of children in the family, at school and in other social institutions, as well as to guarantee the effective enjoyment of their fundamental freedoms, including those of opinion, expression and association.**

5. Family environment and alternative care

Children deprived of a family environment

21. While the Committee welcomes the measures taken to comply with the Committee's recommendation (ibid., paras. 154 and 163), it is still concerned about the insufficient alternative care available for children deprived of a family environment. **The Committee recommends that the State party continue developing alternative measures to institutional care of children, in particular by promoting foster care. The Committee further recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions and to continue taking measures to review periodically the placement and treatment of children as enshrined in article 25 of the Convention.**

Protection from abuse, neglect and violence (art. 19)

22. The Committee welcomes the legislative reforms aiming at preventing and combating domestic violence, but it remains concerned that physical and sexual abuse of children - within and outside the family - is a widespread phenomenon in the State party. **In light of, inter alia, articles 3, 6, 19, 28 (2) and 39 of the Convention, the Committee recommends that the State party continue taking effective measures to prevent and combat abuse and ill-treatment of children within the family, at school and in society at large, including through setting up multidisciplinary treatment and rehabilitation programmes. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; that adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice; and that the use of corporal punishment at home, in schools and other institutions be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.**

6. Basic health and welfare

Children with disabilities (art. 23)

23. With regard to the situation of children with disabilities, the Committee remains concerned at the inadequate infrastructure, limited number of qualified staff, specialized institutions for these children, and the inadequate resources, both financial and human. In addition, the Committee is particularly concerned at the insufficient implementation of the existing governmental policies and programmes for children with disabilities and at the insufficient monitoring of private institutions for these children. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (see A/53/41, chap. IV, sect. C), the Committee recommends that the State party develop early identification programmes to**

prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns aiming at the elimination of discrimination against them, establish special education programmes and centres and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation from WHO and specialized non-governmental organizations for the training of professional staff working with and for children with disabilities.

Right to health and access to health services (art. 24)

24. While acknowledging the measures taken to improve the health of children, in particular initiatives related to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities in access to health care, and of high rates of malnutrition of children, especially in rural and remote areas and in particular among children belonging to indigenous groups. The Committee is also concerned about the high maternal mortality and teenage pregnancy rates as well as about the insufficient access by teenagers to reproductive health education and counselling services. The increasing rates of substance abuse and of HIV/AIDS among children and adolescents and the constant discrimination they are exposed to are also matters of concern. **The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas. The Committee recommends to the State party to continue with its efforts to prevent HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80, chap. III, sect. C). The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. In this regard, the Committee encourages the State party to continue working in this field in cooperation with, inter alia, WHO, UNICEF and UNAIDS.**

7. Education, leisure and cultural activities

25. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and about the disparities in the access to education between rural and urban areas. The Committee is particularly concerned about the limited access to education for children belonging to indigenous groups and the low relevance of the current bilingual educational programmes available for them. **In light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-outs; to extend school coverage and to improve school quality, making schools more responsive to geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNICEF and UNESCO.**

8. Special protection measures

Protection from economic exploitation (art. 32)

26. With regard to the Committee's recommendation (A/49/41, para. 164), the Committee takes note that the State party has submitted a proposal to Congress to raise the minimum legal age for admission to employment from 12 to 14 years. Nevertheless, the Committee is still concerned that economic exploitation of children remains one of the major social problems in the State party (e.g. in the indigenous communities in the highlands) and that law enforcement is insufficient to address this problem effectively. **The Committee encourages the State party to complete as soon as possible its legislative reform to raise the minimum legal age for admission to employment to at least 14 years. The Committee also encourages the State party to consider ratifying the Minimum Age Convention, 1973 (No. 138), and the new Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO. The Committee further recommends that the State party take effective measures to address the situation of children involved in hazardous labour, especially in the informal sector. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee recommends that the State party continue working in cooperation with ILO/IPEC.**

Sexual exploitation and abuse (art. 34)

27. With regard to the sexual exploitation of children, while noting with appreciation the reforms to the State party's Children and Adolescents Code, Penal Code and Penal Procedures Code, as well as other measures in this area, the Committee remains concerned at the absence of a national plan of action to combat and prevent sexual exploitation of children. The limited awareness among the population on sexual exploitation and abuse and on the available measures to identify and report cases of abuse is also a matter of concern. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a national study on the issue of commercial sexual exploitation of children as a basis to design and implement a comprehensive national plan of action to prevent and combat this phenomenon, and continue conducting awareness-raising campaigns on this issue. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.**

Administration of juvenile justice (arts. 37, 40 and 39)

28. With regard to the administration of the juvenile justice system, the Committee welcomes the creation of Family Courts and of specialized prosecutors to deal with children's cases. But the Committee remains concerned that the provisions of the Children and Adolescents Code regarding the administration of juvenile justice are not fully implemented, inter alia that the various services in this area are not adequately staffed and trained; that conditions in detention centres are poor and not adequately monitored; that alternative measures to detention are not sufficiently developed. **In light of articles 37, 40 and 39 and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for**

the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Committee recommends that the State party:

(a) Ensure that deprivation of liberty is used only as a measure of last resort;

(b) Improve the living conditions of children in prisons and other detention centres;

(c) Strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;

(d) Develop effective probation services for juveniles, in particular those who are released from detention centres, in order to support their reintegration in society;

(e) Develop alternative measures to deprivation of liberty; and

(f) Strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

Furthermore, the Committee recommends to the State party to take into consideration the Committee's recommendations adopted on its day of general discussion on the administration of juvenile justice (see A/51/41, chap. IV, sect. D) and to consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice.

Dissemination of the CRC reports (art. 44)

29. **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that its periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Grenada

1. At its 607th to 608th meetings (see CRC/C/SR.607-608), held on 24 January 2000, the Committee on the Rights of the Child considered the initial report of Grenada (CRC/C/3/Add.55), which was submitted on 24 September 1997, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee regrets that the written replies to its list of issues (CRC/C/Q/GREN/1) were not received in advance of the dialogue. The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee welcomes the National Coalition on the Rights of the Child established to coordinate, monitor and evaluate the implementation of the principles and provisions of the Convention. The Committee notes with appreciation that the National Coalition has been instrumental in initiating a number of programmes to improve the situation of children and raise public awareness about the Convention, including the establishment of the Grenada Adoption Board in 1994, and the initiation and drafting of the Child Protection Act.

4. The Committee notes the efforts of the State party in the area of primary health care services. In particular, it notes the high immunization and low malnutrition rates. In this regard, the Committee also welcomes the enactment of the School Children Immunization Act, which facilitates the immunization of all children at the pre-school and primary school levels.

5. The Committee appreciates the State party's initiatives in the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the pre-school and primary school levels, and the textbook programme established to help children from economically disadvantaged families to acquire books and other relevant learning materials needed to enhance their educational opportunities. The Committee also notes with appreciation the establishment of the Programme for Adolescent Mothers which offers educational programmes, skills-training and child-care services to pregnant teenagers and teenage mothers who are no longer in the school system. The Committee welcomes the introduction of Health and Family Life Education as a core subject in the primary school curriculum.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee also notes the vulnerability of the State party to natural disasters, particularly hurricanes, which has impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

7. The Committee notes the recent efforts by the State party to enact additional legislation to ensure greater consistency with the Convention. In this regard, it notes the enactment of the Status of the Child Act (1991), the Maintenance Amendment Act No. 54 (1991), the Drug Abuse (Prevention and Control) Act No. 7 (1992), the Criminal Code (Amendment)

Act No. 16 (1993), the Adoption (Amendment) Act No. 17 (1994) and the Child Protection Act (1998). The Committee also notes the intention of the State party to commission a review of all legislation relevant to children with a view to introducing a comprehensive children's code. The Committee is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee notes with concern that the Family Court Act has been rescinded and that insufficient efforts have been made to introduce adequate alternative measures to protect and strengthen family relations. **The Committee recommends that the State party proceed, at the earliest possible opportunity, with its plan to undertake legislative review to ensure greater consistency with the principles and provisions of the Convention and facilitate the adoption of a comprehensive children's rights code. The Committee further recommends that the State party take all necessary measures to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

Data collection

8. The Committee notes the State party's participation in a regional initiative funded by the Caribbean Development Bank for the collection, collation and publication of data, based on social development indicators, among the member countries of the Organization of Eastern Caribbean States. The Committee also notes the intention of the State party to establish a central registry for data collection within the Ministry of Finance. The Committee remains concerned, however, at the lack of a data collection mechanism in the State party to afford the systematic and comprehensive collection of desegregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children living in poverty; children in the juvenile justice system; children of single-parent families; sexually abused children; and institutionalized children.**

Independent monitoring structures

9. The Committee notes the State party's intention to establish an Ombudsperson. **The Committee recommends that the State party reinforce its efforts to establish an independent Ombudsperson, to deal with complaints of violations of the rights of children and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.**

Allocation of budgetary resources

10. The Committee notes the intention of the State party to provide financial and other assistance to the National Coalition on the Rights of the Child and to increase budgetary allocations with regard to some children's programmes, within the context of economic growth. However, the Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

Dissemination of the Convention

11. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, through the training of teachers and magistrates, the production of programmes such as "Olivia's Plight", the publication of the handbook "Child Abuse - What Can I Do?", the printing and distribution of posters and flyers, as well as the production and broadcasting of radio and television programmes for and about children, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. The Committee encourages the State party to reinforce its efforts to raise the awareness of the media on the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the Child

Criminal responsibility

12. The Committee expresses concern regarding the low legal age for criminal responsibility (7 years). **The Committee recommends that the State party raise the legal age for criminal responsibility to a more internationally acceptable age, by reviewing its legislation in this regard.**

D.3. General principles

Non-discrimination

13. While acknowledging the difficulties that girls continue to face in many areas, the Committee is also concerned about the situation of boys, particularly as regards their generally "low self-esteem" and academic under-achievement in comparison to that of girls. **The Committee recommends that the State party undertake a study on child rearing practices and how they affect boys and girls. The Committee further recommends that the State party implement programmes to address the self-esteem of boys and address discrimination arising from the socialization of boys and girls into rigid gender roles and the resulting determination of family and social attitudes concerning children based on gender.**

14. The Committee is concerned that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, the Committee notes that the Code refers to the protection of the "female child" only. **The Committee recommends that the State party amend its legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.**

Respect for the views of the child

15. The Committee notes the intention of the State party to reintroduce student councils in schools as a first step in encouraging greater acceptance of the participatory rights of children. However, it is concerned that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which promote the philosophy that "children should be seen and not heard" and that "children are the property of their parents". **The Committee recommends that the State party seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.**

D.4. Civil rights and freedoms

Birth registration

16. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that some children are still not registered at birth and are not given a name until their baptism, which could be three or four months after their birth. **In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake all necessary measures, including awareness raising among government officers, community and religious leaders, and parents themselves, to ensure that all children are registered and given a name at birth.**

D.5. Family environment and alternative care

Parental responsibilities

17. The Committee shares the concern of the State party over the challenges faced by children as a result of changes in social and family structures which lead to high numbers of single-parent households and reduced support from extended families. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in "visiting" or "common law" relationships. The Committee expresses further concern regarding the financial and psychological impact of these types of relationships on children. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts to develop family education and awareness through, inter alia, providing support, including training for parents, especially those in "visiting" and "common law" relationships, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal nature, to ensure that the rights of children born of "visiting" and "common law" relationships are protected.**

Protection of children deprived of a family environment

18. The Committee is concerned that the State party has not established and implemented a code of standards for alternative care institutions for children. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions, as well as the lack of available trained personnel in this field. **It is recommended that the State party establish a code of standards to ensure adequate care and protection of children deprived of a family environment. The Committee recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.**

Domestic and intercountry adoptions

19. While the Committee notes the recent enactment of the Adoption (Amendment) Act and the appointment of the Adoption Board, it remains concerned at the lack of monitoring with respect to both domestic and intercountry adoptions. The Committee also expresses its concern at the high number of intercountry adoptions, particularly in the light of the small size of the State party. The Committee is also concerned about the apparent gender bias in favour of girls in the adoption process. **In the light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. The Committee recommends that the State party undertake a study to assess the situation and determine the impact of intercountry adoptions and to determine why girls are favoured over boys in the adoption process.**

Additionally, the Committee encourages the State party to consider the possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Abuse/neglect/maltreatment/violence

20. The Committee welcomes the recent initiatives of the State party to address the issues of child abuse and domestic violence, including the establishment of a Crisis hotline for domestic violence and child abuse as well as the opening of an emergency shelter for battered women and their children. Additionally, the Committee notes the efforts of the State party to train teachers and police officers and to sensitize the media and the general public on child abuse. The Committee further notes the intention of the State party to include a child abuse register as a part of the social and economic survey which is scheduled to commence January 2000. The Committee remains concerned at the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse; and the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat these abuses. The Committee is also concerned that insufficient efforts have been made to protect the right to privacy of child victims of abuse. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Corporal punishment

21. The Committee expresses grave concern that corporal punishment is still widely practised in the State party and that domestic legislation does not prohibit its use. **In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, schools, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.**

D.6. Basic health and welfare

Right to health and access to health services

22. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, violence, suicide, mental health, abortion, HIV/AIDS and STDs. The

Committee is particularly concerned with the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their late attendance at antenatal clinics as well as their generally poor breast-feeding practices. The Committee is concerned that most of the current cases of infant and maternal mortality are related to teenaged mothers. **The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services, as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, and making efforts to increase the number of social workers and psychologists, to develop youth-friendly care, counselling and rehabilitation facilities for adolescents. The Committee also encourages the State party to develop comprehensive policies and programmes to reduce the incidence of infant and maternal mortality and promote proper breast-feeding and weaning practices among teenaged mothers. In this connection, it is also recommended that the State party consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.**

Children with disabilities

23. While noting the recent appointment in the State party of a clinical psychologist to deal with the mental health of children, the Committee remains concerned about the situation of mental health of children. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities in the educational system and generally within society. The Committee notes with concern that the effectiveness of the Early Intervention Programme for Children with Disabilities has been impeded by a lack of human and financial resources. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party take all appropriate measures to ensure that adequate resources are allocated for the effective implementation of the Early Intervention Programme for Children with Disabilities. The Committee recommends that the State party undertake a study on the situation of mental health with a view to addressing this increasing concern. Further, the Committee recommends that the State party undertake an awareness raising campaign to sensitize the public to the rights and special needs of**

children with disabilities as well as children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, the World Health Organization.

Environmental health

24. While noting the State party's intention to improve the situation of environmental health services through, inter alia, the establishment of a Solid Waste Management Authority and the expansion of the collection areas from 55 per cent to approximately 95 per cent, the Committee remains concerned at the poor environmental health conditions. In this connection, the Committee notes the continued widespread use of pit-latrines, increasing sea pollution, and the inadequate solid waste disposal programme. **The Committee recommends that the State party intensify its efforts to address environmental health concerns, particularly as regards solid waste management.**

D.7. Education, leisure and cultural activities

Right and aims of education

25. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned with the high incidence of truancy (in particular for boys), limited access to secondary education, lack of relevant learning material, insufficient numbers of trained qualified teachers, and the tendency towards the use of teaching methods that are almost exclusively examination oriented. Concern is also expressed at the increasing incidence of violence among students. The Committee notes with concern that insufficient resources have been allocated to ensure the sustainability of the school nutrition programme. The Committee is also concerned about the lack of health and counselling services in schools. **The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students are taught an adequate mix of academic subjects and life skills, including communication, decision-making and conflict resolution skills. The Committee recommends that the State party take all appropriate measures to increase access to secondary education. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure that adequate resources are allocated to the school nutrition programme and that adequate health and counselling services be made available in schools. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

D.8. Special protection measures

Economic exploitation

26. The Committee welcomes the State party's willingness to consider the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment and to increase

the legal minimum age for employment from 14 to 15 years. In the light of the current economic situation in the State party and the high truancy and drop out rates, particularly among males, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation in the State party. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee encourages the State party to consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.**

Drug abuse

27. The Committee notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of alcohol and substance abuse among youth and the limited psychological, social and medical programmes and services available in this regard. **In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes for child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.**

Administration of juvenile justice

28. While the Committee notes the State party's intention to establish a juvenile justice system, it is concerned about:

(a) The lack of efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time before the hearing of juvenile cases and the apparent lack of confidentiality accorded to such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law and the limited numbers of trained personnel to work with children in this regard.

The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the

Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system; and prohibit and eradicate the use of corporal punishment (whipping) in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

D.9. Dissemination of the report

29. Finally, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**
